This is a digital copy of a book that was preserved for generations on library shelves before it was carefully scanned by Google as part of a project to make the world's books discoverable online.

It has survived long enough for the copyright to expire and the book to enter the public domain. A public domain book is one that was never subject to copyright or whose legal copyright term has expired. Whether a book is in the public domain may vary country to country. Public domain books are our gateways to the past, representing a wealth of history, culture and knowledge that's often difficult to discover.

Marks, notations and other marginalia present in the original volume will appear in this file - a reminder of this book's long journey from the publisher to a library and finally to you.

Usage guidelines

Google is proud to partner with libraries to digitize public domain materials and make them widely accessible. Public domain books belong to the public and we are merely their custodians. Nevertheless, this work is expensive, so in order to keep providing this resource, we have taken steps to prevent abuse by commercial parties, including placing technical restrictions on automated querying.

We also ask that you:

+ *Make non-commercial use of the files* We designed Google Book Search for use by individuals, and we request that you use these files for personal, non-commercial purposes.

+ *Refrain from automated querying* Do not send automated queries of any sort to Google's system: If you are conducting research on machine translation, optical character recognition or other areas where access to a large amount of text is helpful, please contact us. We encourage the use of public domain materials for these purposes and may be able to help.

+ *Maintain attribution* The Google "watermark" you see on each file is essential for informing people about this project and helping them find additional materials through Google Book Search. Please do not remove it.

+ *Keep it legal* Whatever your use, remember that you are responsible for ensuring that what you are doing is legal. Do not assume that just because we believe a book is in the public domain for users in the United States, that the work is also in the public domain for users in other countries. Whether a book is still in copyright varies from country to country, and we can't offer guidance on whether any specific use of any specific book is allowed. Please do not assume that a book's appearance in Google Book Search means it can be used in any manner anywhere in the world. Copyright infringement liability can be quite severe.

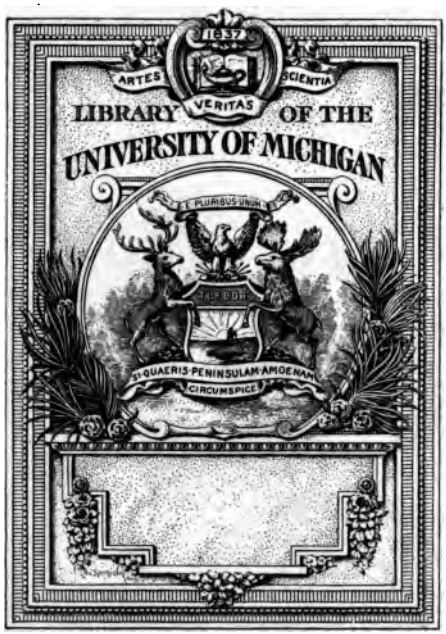
About Google Book Search

Google's mission is to organize the world's information and to make it universally accessible and useful. Google Book Search helps readers discover the world's books while helping authors and publishers reach new audiences. You can search through the full text of this book on the web at `http://books.google.com/`

A 450646

MANUAL

VIRGINIA CIVIL GOVERNMENT


1837
ARTES
SCIENTIA
VERITAS
LIBRARY OF THE
UNIVERSITY OF MICHIGAN
E PLURIBUS UNUM
SI QUAERIS PENINSULAM AMOENAM
CIRCUMSPICE

3925
.1899
F79

MANUAL

OF

VIRGINIA CIVIL GOVERNMENT

TO ACCOMPANY A CHART OF
VIRGINIA CIVIL GOVERNMENT
PREPARED BY WM. F. FOX
SUPT. OF SCHOOLS, RICHMOND, VA.

NEW YORK AND CHICAGO
FRANKLIN PUBLISHING COMPANY

COPYRIGHT, 1899, BY
FRANKLIN PUBLISHING COMPANY

CONTENTS.

PAGE

INTRODUCTION 5

I. GENERAL PRINCIPLES 9

Bill of Rights.—Who May Vote and Hold Office.—Elections.

II. LEGISLATIVE DEPARTMENT 17

The Senate.—House of Delegates.—General Assembly.

III. EXECUTIVE DEPARTMENT 25

Governor.—Lieutenant-Governor.—Attorney-General.

IV. EXECUTIVE DEPARTMENT—*Continued* 32

Officers elected by the General Assembly: Secretary of the Commonwealth.—Treasurer.—Auditor of Public Accounts.—Second Auditor.—Register of the Land Office.—Railroad Commissioner.—Superintendent of the Penitentiary.—Superintendent of Public Printing.—Commissioner of Agriculture.—State Assayer and Chemist.—Board of Public Works.—Commissioner of the Sinking Fund.—Board of State Canvassers.

V. JUDICIARY DEPARTMENT 46

Supreme Court of Appeals.—Circuit Courts.—Circuit Court of the City of Richmond.

VI. JUDICIARY DEPARTMENT—*Continued* 54

County Courts.—Corporation Courts.—Justices' Courts.—Hustings Court of the City of Richmond.—Chancery Court of the City of Richmond.—Law and Equity Court of the City of Richmond.

VII. OFFICERS OF COURTS 65

Clerks.—The Tipstaff and Crier.—Sheriff.—Commonwealth's Attorney.
Attorneys-at-Law.—Who May Practice Law in Virginia.
Juries.—Grand Juries.—Petit Jury.

VIII. COUNTY ORGANIZATION 73

Counties.
County Officers: Sheriff.—Commonwealth's Attorney.—County Clerk.—Treasurer.—Commissioner of the Revenue.—Superintendent of the Poor.—County Surveyor.—Superintendent of Public Schools.—County Board of School Commissioners.—Electoral Board.—Board of Supervisors.—Assessors.—Coroner.

COPYRIGHT, 1899, BY
FRANKLIN PUBLISHING COMPANY

CONTENTS.

PAGE

INTRODUCTION 5

I. GENERAL PRINCIPLES 9

Bill of Rights.—Who May Vote and Hold Office.—Elections.

II. LEGISLATIVE DEPARTMENT 17

The Senate.—House of Delegates.—General Assembly.

III. EXECUTIVE DEPARTMENT 25

Governor.—Lieutenant-Governor.—Attorney-General.

IV. EXECUTIVE DEPARTMENT—*Continued* 32

Officers elected by the General Assembly: Secretary of the Commonwealth.—Treasurer.—Auditor of Public Accounts.—Second Auditor.—Register of the Land Office.—Railroad Commissioner.—Superintendent of the Penitentiary.—Superintendent of Public Printing.—Commissioner of Agriculture.—State Assayer and Chemist.—Board of Public Works.—Commissioner of the Sinking Fund.—Board of State Canvassers.

V. JUDICIARY DEPARTMENT 46

Supreme Court of Appeals.—Circuit Courts.—Circuit Court of the City of Richmond.

VI. JUDICIARY DEPARTMENT—*Continued* 54

County Courts.—Corporation Courts.—Justices' Courts.—Hustings Court of the City of Richmond.—Chancery Court of the City of Richmond.—Law and Equity Court of the City of Richmond.

VII. OFFICERS OF COURTS 65

Clerks.—The Tipstaff and Crier.—Sheriff.—Commonwealth's Attorney.
Attorneys-at-Law.—Who May Practice Law in Virginia.
Juries.—Grand Juries.—Petit Jury.

VIII. COUNTY ORGANIZATION 73

Counties.
County Officers: Sheriff.—Commonwealth's Attorney.—County Clerk.—Treasurer.—Commissioner of the Revenue.—Superintendent of the Poor.—County Surveyor.—Superintendent of Public Schools.—County Board of School Commissioners.—Electoral Board.—Board of Supervisors.—Assessors.—Coroner.

PAGE

IX. District Organization 86

Magisterial Districts.—Supervisors.—Justices of the Peace.—Constable.—Overseer of the Poor.—Conservators of the Peace.

X. Government of Cities and Towns 90

Council. — Mayor. — City Sergeant. — Commissioner of the Revenue. — Commonwealth's Attorney.—Treasurer.—Sheriff of Richmond City.

XI. Education 95

State : Board of Education.—Superintendent of Public Instruction.

County : County and City Superintendents.—School Trustee Electoral Board.—County School Board.

District : School Districts.—School Trustees.—District Board of School Trustees.

School Funds.

Teachers.

Outlines of Colonial and State History 103

Colonial Governors.—State Governors.

Constitution of Virginia 111

Population of Virginia at Various Dates 139

Index 140

INTRODUCTION.

THE word *government* means guidance or direction or management. It means also the person or persons who rule or control any establishment or institution. Wherever any number of people live together in one house, or one town, or city, or country, there must be government of some kind.

In the family the parents are the government. They guide and manage the affairs of the house. They give orders to their children as to what they must do and what they must not do, and they see that their orders are obeyed. This is government, and it is for the benefit of the family. If the children were to do as they please, there would be no peace or happiness in the home.

And in their games and amusements out of doors children find that they must not do as they please. Every game has certain rules or laws which those who take part in it are required to obey. In the game of baseball, for example, the players are not allowed to act as they like. There are rules of the play, and there is an umpire to see that the rules are observed.

In the school, too, and in all business establishments there must be government. The teachers direct the work in their classes, giving orders to the pupils as to what lessons they must study and how they must study them. In the store and factory there is a manager or master who directs the business. If there were no managers or masters there would be nothing but disorder and confusion.

We can see therefore how necessary government is, and we can understand why it is that there must be government in

the country or state in which we live. There must be laws to direct men how they must behave towards one another and to punish those who do wrong. And there must be people to make the laws and people to see that they are carried out.

This is *Civil Government.* The word *civil* means pertaining to the state, or to the relations between citizens and the state, and the word *state* means the whole community or body of people living under one government.

There are different kinds of government in different countries. In some countries the government is monarchical—that is, under one person, a king or emperor—and in some countries it is republican.

A republican government, or a republic, is a government in which the chief power is exercised not by one person but by all the people. The government of the United States is a republican government. The government of Virginia is a republican government. The head of the state under a republican form of government is elected by the people.

The government in a republic is usually divided into three parts or *departments.* One department makes the laws. This is called the *legislative department* or the legislature. It is formed of a certain number of persons who are elected at certain times, by the people, and who meet to make laws that are necessary for the good of the state or country.

The second department of government is called the *executive department,* and is also formed of persons who are elected by the people, and their business is to execute or carry out the laws. Their duty is to see that every one who violates any law of the country or state is brought to punishment, and that the laws made for promoting the well-being and happiness of the people are carried out.

The third department of the government is the *judicial department* or the judiciary. Its members are, in Virginia, chosen by the legislature. Their duty is to administer the laws, that is to inquire into every case in which a person is accused of breaking the laws, and if a person is found to be

guilty, to sentence him to the punishment which the law prescribes for the crime or offence he has committed.

In this book full particulars and explanations are given as to the formation of those three departments of government, the many duties assigned to each, and how those duties are performed.

In republics government is usually carried on according to the wishes of the majority of the people. This is what is called *majority rule.* At elections to form the legislature or executive department, different persons or candidates are proposed for each office, and the candidate who gets a majority of the votes is elected. A candidate is a person who is proposed for election to some office.

Candidates for public offices are proposed or nominated at what are called *conventions.* A convention is a meeting of electors, or voters, held for the purpose of agreeing upon or choosing persons to be candidates for office. Conventions are called together and conducted by organizations known as *parties* or *political parties.* There are usually at least two political parties in every country in which there is constitutional government. Each of the parties nominates candidates at every election, and tries in every legitimate way to persuade the people to vote for its candidates.

The party whose candidates are elected is called *the party in power.* This is what is known as *party government.*

It is good for the state that there should be political parties. Each party closely watches the conduct of the other, and if the party in power make bad laws or execute the laws unfairly or unjustly, the party out of power appeals to the people by public speeches and by writing in newspapers, and does what it can to get the voters to vote against the party in power at the next election and turn it out of office.

Every citizen may join either of the parties he pleases, and so exercise his influence through conventions and elections to secure good government. And it is the duty of every citizen to do this, for good government—honest law-makers

and honest administrators of the laws—is one of the greatest blessings a state can have. It is also the duty of young people to learn about the government and politics of their state, so that when they come of age they may be able to perform their part as citizens intelligently and well.

QUESTIONS.

1. Define *government.*
2. Give some illustrations of the necessity of government.
3. What is the necessity for laws in a country?
4. Define *civil.*
5. What is a republic?
6. What does the government in a republic consist of?
7. What is the duty of the legislative department?
8. What is the duty of the executive department?
9. What is the duty of the judicial department?
10. What do you understand by majority rule?
11. What is a convention?
12. What is a party government?
13. Why is it good for the state that there should be political parties?
14. Why is it the duty of every citizen to become a member of one of the political parties?
15. Why is it good for young people to learn about government and politics?

VIRGINIA CIVIL GOVERNMENT

I.

1. All power is vested in and hence derived from the people; magistrates are their trustees and servants and at all times amenable to them.
2. Government is, or ought to be, instituted for the common benefit, protection, and security of the people.
3. No free government, or the blessings of liberty, can be preserved to any people but by a firm adherence to justice, moderation, temperance, and virtue, and by a frequent recurrence to fundamental principles.

—*Bill of Rights.*

The *Bill of Rights* is the title of the first article, or chapter, of the Constitution of Virginia. It is so called because it is a declaration or statement of the *rights* of the people in regard to government. In English history the name *Bill of Rights* is given to a declaration of rights adopted by the two houses of Parliament in England in 1688, and soon afterwards passed into law.

Vested in means entrusted to or put in possession of. To vest is to invest or clothe with power or authority.

Magistrates are public officers whose duty it is to administer the laws. The President is the chief magistrate of the nation. It is his duty to see that the laws of the United States are executed or carried out. The governor is the chief magistrate of the State; the mayor is the chief magistrate of the city. Judges are magistrates who preside in the courts and administer the law as applying to the cases brought before them.

Trustees are persons who hold or have charge of the property of others in *trust*, and as guardians, for those to whom it belongs. Magistrates hold their offices as trustees for the people, and they are *amenable*, that is, answerable, to the people. If they do not perform the duties of their offices honestly, the people can call them to account and punish them.

A free government is a government instituted, that is, established, by the consent of the people. The government of the United States is a free government, because it has been established by the people, and the people can change it when they please.

"Government ought to be established for the *common benefit*." This means that government ought to be for the benefit of all the people, poor as well as rich, and under a free government all the people have equal protection from the law.

Fundamental principles are principles or truths according to which, or upon which, systems, or laws, or institutions, are *founded*. The fundamental principles of free government are that all men are born equal, and that all men have equal rights to life and liberty.

Recurrence means *a going back to*. We must frequently recur, or go back to, fundamental principles in order to preserve free government. We must also firmly adhere to, or practice justice, moderation, temperance, and virtue.

Justice is the doing of what is right. *Moderation* means the avoiding of severity or harshness in our conduct towards others. *Temperance* is the moderate or reasonable use or enjoyment of the pleasures of life. *Virtue* is the practice of the moral good taught by religion. The virtuous man is the man who does his duty to God and his neighbor.

The constitution guarantees to the people the right to make and to change their own laws; the right of speedy trial by jury; protection in the enjoyment of their inherent rights; freedom of elections; freedom of speech; freedom of the press; religious freedom; equal civil and political rights and public privileges.

It prohibits slavery or involuntary servitude, except so far as lawful imprisonment may constitute such; the taking

of private property for public uses except by law and with just compensation.

A constitution is a system or plan of government, or a written or printed statement of the principles and rules according to which a government is to be conducted. The constitution tells how the government is to be formed, what it has power to do, and what it must not do. The Constitution of Virginia *guarantees*, that is, secures or makes sure to the people, the right to make or change the laws. A government under a constitution is called a *constitutional* government.

Trial by jury is trial by a judge and twelve citizens who are called the jury. The duty of the judge is to see that the trial is conducted according to law, and to pass sentence on the accused person if found guilty. The duty of the jury is to decide, after hearing the evidence, whether the accused person is guilty or not. This declaration of the jury is called a *verdict*, a word which means a *true saying*.

Inherent means inseparable from, or not to be taken away. *Inherent rights* are rights that cannot justly be taken away from the people. The right to life and liberty is an inherent right of man which cannot be taken away by any constitution or government.

Freedom of elections means freedom to hold elections to choose the officers of government, and freedom for every citizen to vote for the candidate of his choice. *Freedom of speech* and *freedom of the press* mean liberty for all to speak or publish what they desire to say on any subject, being liable to punishment by law if they speak or publish anything injurious to the reputation of others. *Religious freedom* means liberty to belong to any religion, or to worship God in any way that one thinks proper.

Civil rights are the rights a man is entitled to as a member of the community, such as the right to trial by jury, the right of freedom of speech.

Political rights are the rights that belong to men as citizens, such as the right to vote, the right to be candidates for public office.

Public privileges are benefits or advantages possessed by some and not by others, such as charters to corporations or licenses to

carry on certain kinds of business. For example, a license to sell liquors is a public privilege. It is not for the public good that it should be given to everybody, but the Constitution guarantees that under necessary restrictions as to the number of such licenses granted, all citizens shall have equal rights to such privileges.

Involuntary servitude is *unwilling* servitude, the sort of servitude or service under which one is compelled to work whether he is willing or not. Such servitude is slavery. *Private property* is property that belongs to private individuals. It may be taken for public use when necessary. If a government building has to be erected or a railroad made, the land required for the purpose may be taken from the owner, but a just price must be paid for it.

Who May Vote and Hold Office. Every male citizen of the United States, who is 21 years old, who has been a resident of the State twelve months, and of the county, city, or town in which he offers to vote three months next preceding any election, shall be entitled to vote; except idiots and lunatics, persons convicted of bribery in any election, embezzlement of public funds, treason, felony, or petit larceny, or who have been in any way concerned in a duel.

All persons entitled to vote shall be eligible to any office within the gift of the people, except as restricted by the constitution.

Only persons between the ages of 21 and 60 years of age, who are entitled to vote and hold office, are eligible to sit as jurors.

A *citizen* is a native of the United States or a foreigner who has been made a citizen. To be made a citizen, a person must, at least two years before admission, make a declaration before a judge that it is his intention to become a citizen of the United States, and to renounce allegiance to all foreign powers or princes.

Having so declared his intention, and after residing five years in the United States, he must declare on oath before a judge that he renounces allegiance to all foreign powers, and that he will support the Constitution of the United States. He then receives a paper or document certifying that he is a citizen. The paper is called a *naturalization* paper, and the person who receives it is said to be *naturalized*, because it entitles him to all the rights and privileges of a *native* or *natural*-born citizen of the United States.

Convicted means tried in a public court for a crime and found guilty. *Bribery* in elections is buying or selling votes, or giving money or payment in any form to a voter for voting for any candidate. *Embezzlement* is the crime a person commits who takes for his own use the money or property of others that has been entrusted to his care. *Treason* is to make war against or try to overthrow or destroy the government of one's own country. *Felony* is a crime that may be punished by death or imprisonment in state prison. *Petit larceny* is the stealing of goods of small value. The word *petit* means *petty* or trifling, and larceny is theft.

A *duel* is a fight with deadly weapons, such as fire-arms or swords, between two persons, one of whom has challenged the other because of some quarrel or insult. In early ages duelling was not prohibited by law and was very common in most countries. But in modern times, owing to severe laws enacted against it, the practice has entirely ceased in England and America.

Eligible means fit to be chosen or elected.

Jurors are persons who serve on juries.

Elections. Shall be by ballot; for State officers, shall be held the Tuesday after the first Monday in November; and for county, corporation, and district officers, the fourth Thursday in May.

State officers elected at a general election shall enter upon the duties of their respective offices the first of January next thereafter; and all county, corporation, and district officers on the first of July next succeeding their election.

They shall continue to discharge the duties of their respective offices until their successors shall have qualified.

The *ballot* is the printed list containing the names of all the candidates to be voted for at an election. The places where the people vote are called *polls*, and they are kept open for one day—from sunrise to sunset. At the polls there are officers called judges or clerks of election. When the voter goes to the poll on election day, one of the judges hands him a ballot. With the ballot he goes alone into a small compartment or *booth*, where there is a desk with a pencil or pen and ink. There he draws a mark with the pen or pencil through the names of the candidates he does not wish to vote for, leaving the names of the candidates he votes for unmarked. He then folds up the ballot, with the names of the candidates on the inside, and hands it to one of the judges, who drops it into a box, where it remains until the votes are counted after the poll closes. The candidates who receive the highest number of votes are declared elected. This is done by the *Board of State Canvassers* (which see).

State officers are officers elected by the voters of the whole State. The governor, the lieutenant-governor, and attorney-general are State officers.

A *corporation* is a body or number of persons formed and authorized by law to carry on business under one name as a single person. Banks and railroad and manufacturing companies are corporations. They are called private corporations because the business they do is for the benefit of private individuals. The people of cities and towns have power by law to carry on the government of their cities and towns as corporations. They are called public corporations because they are formed for the purpose of government, and act for the whole people (see under *Government of Cities and Towns*).

Qualified, with regard to State officers, means having taken the oath of office. The Constitution requires that every person, before entering upon the discharge of any functions as an officer of the State, must solemnly swear or affirm that he will support and maintain the Constitution and laws of the State of Virginia, and that he will faithfully perform the duty of the office to

which he has been elected. To take this oath is to *qualify* for the office.

The State is entitled to two U. S. Senators and ten Representatives in Congress, and to twelve votes for President and Vice-President in the Electoral College.

The *Electoral College* is the name given to the body of persons who elect the President and Vice-President of the United States. At a presidential election, which takes place every four years, the people do not vote directly for the candidates who have been nominated for President and Vice-President. They vote for persons nominated to be *electors*, and each State has the right to choose as many electors as it has senators and representatives in Congress. Virginia has two senators and ten representatives in Congress, therefore at the presidential election it chooses twelve electors. This is what is meant by saying that it has twelve votes in the Electoral College.

The members of the Electoral College do not meet all together to elect the President and Vice-President. The electors of each State meet in the capital of their own State in January after they are elected, and vote by ballot for President and Vice-President, after which they send lists to the President of the United States Senate showing how they have voted. Those lists are examined in the Senate and the votes counted. Then the candidates who have received the votes of a majority of the Electoral College are declared elected.

QUESTIONS.

1. From whom are the powers of government derived ?
2. What are magistrates ?
3. For what is government instituted ?
4. What are fundamental principles ?
5. What is the Bill of Rights ?
6. What is a constitution ?
7. What is trial by jury ?
8. Tell what you understand by freedom of elections, freedom of speech, freedom of the press, and religious freedom.

9. Tell the difference between civil rights and political rights.
10. What are public privileges ?
11. What is involuntary servitude ?
12. Define *private property.*
13. Who is entitled to vote, and who is eligible to office ?
14. What is a citizen ?
15. How may one become a citizen ?
16. Define the terms *bribery, embezzlement, treason, felony, petit larceny,* and *duel.*
17. What are jurors ?
18. When are the elections for State officers held ?
19. How are elections conducted ?
20. Define *ballot, polls,* and *booth.*
21. What are State officers ?
22. What is a corporation ?
23. What is the meaning of *qualified ?*
24. How many senators and representatives in Congress is the State entitled to ?
25. How many votes is the State entitled to in the Electoral College ?
26. What is the Electoral College ?
27. How do the electors choose the President and Vice-President of the United States ?

II.

LEGISLATIVE DEPARTMENT.

The legislative power of the commonwealth is vested in a General Assembly consisting of a Senate and House of Delegates.

Legislative power is the power to legislate or make *laws*, hence the body of persons elected to make laws is sometimes called the *legislature*. The General Assembly is the legislature of Virginia. *Commonwealth*, which means *common well-being*, or common good, is a name sometimes given to a State or country which has a republican form of government—that is, a government in which the people are the supreme power, and in which all the people have common (that is, equal) interests and common rights. *Consisting* means formed or made up of.

A *delegate* is a person appointed or elected by others to do business for them as their representative. The members of the House of Delegates are elected by the people of the State to represent and act for them in the business of making laws.

The Senate.

Number. There are forty Senators, from thirty-nine senatorial districts. The Lieutenant-Governor is the presiding officer.

Elected. By the people for four years; one-half being chosen every two years.

Qualifications. A Senator must be an actual resident of the district for which he is elected; must be legally qualified to vote for members of the General Assembly; must hold no salaried office under the State government.

Powers. Shall select its own officers; choose from its own body, in the absence of the Lieutenant-Governor, or when he exercises the office of Governor, a president *pro tempore;* confirms or rejects nominations; has sole power to try impeachment.

Senatorial districts are the districts into which a State is divided for the election of senators. There are thirty-nine districts in Virginia, and each of them elects one senator, except the district formed of Richmond and the County of Henrico, which elects two. *Presiding officer* is a person who *presides* or acts as president or chairman in any assembly or meeting.

A candidate for the Senate must be *legally qualified to vote* for members of the General Assembly. This means that he must be a citizen of the United States, a resident of Virginia for one year, and a resident of the senatorial district for three months immediately preceding the election.

Pro tempore is a Latin phrase meaning *for the time*—that is, for a short time or temporarily. The Senate elects one of its own members to preside *pro tempore* if the lieutenant-governor happen to be absent, or when he is called upon to act as governor. (See under *Powers and Duties* of governor, page 28.) The Senate has the power to *confirm or reject nominations.* Many public officers of the State are appointed by the governor, but when he nominates or *names* a person for a public office he sends the nomination to the Senate, and it may confirm—that is, approve of—the nomination, or it may reject it. If it should reject the nomination, the person nominated is not appointed.

Impeachment means a charge of dishonesty or serious neglect of duty made against a public official. In an impeachment it is the House of Delegates which must make the charge and act as prosecutor, but it is the Senate which must try the case and pass sentence on the accused, if proved guilty.

House of Delegates.

Number. Composed of one hundred members apportioned by statute among the counties and cities of the State.

Elected. By the people for two years.

Qualifications. Same as for Senators.

Powers. Elects its own Speaker and all other officers; impeaches State officers, and prosecutes them before the Senate. The Clerk of the House of Delegates is also Keeper of the Rolls.

Apportioned means divided or distributed or allotted. A *statute* is any law, but the word is most commonly understood to mean a law made by a legislature representing the people. The number of delegates appointed to the counties and cities—that is, the number which each is entitled to elect—is decided by statute in proportion to the number of inhabitants.

The chairman of the House of Delegates is called the *speaker*. The same title is given to the presiding officer of the lower house in nearly every legislature in English-speaking countries.

The *rolls* are the statutes in *written* form as passed by the Assembly. A law when proposed in the Assembly is called a *bill*. To become a statute a bill must be voted on and have a majority three times in the House of Delegates and three times in the Senate and be signed by the governor. Then it is an *act*, or a statute, or a law. The copy signed by the governor is an engrossed or written copy, and the official copies of the laws so engrossed are the rolls, and are preserved by the *keeper of the rolls*, who is the clerk of the House of Delegates.

General Assembly. (Senate and House jointly.)

Sessions. Biennial. Beginning the first Wednesday in December of every odd year, and continuing ninety days. The session may be extended not exceeding thirty days. It may be convened in special session by the Governor.

The Senate and House of Delegates *jointly*—that is, both together—are called the General Assembly. *Sessions* means sittings or meetings for business, and *biennial* means happening once every two years. The General Assembly meets once every

two years, and it does business for ninety days. If the business necessary to be done require more time, the session may be *extended*—that is, lengthened—thirty days. *A special session* is a session *convened*—that is, called to meet—for some special or particular business. The governor may convene such a session whenever he thinks it necessary.

Powers. General powers of legislation under the constitution. Elects U. S. Senators, County and City Electoral Boards, Secretary of the Commonwealth, Treasurer, Auditor of Public Accounts, Second Auditor, Register of the Land Office, Superintendent of the Penitentiary, Superintendent of Public Printing, Superintendent of Public Instruction, the Judges of the Commonwealth; decides contests in the election of Governor and Lieutenant-Governor.

Powers means what the General Assembly has power to do. *Legislation* is the making of laws. The Assembly has powers of *general* legislation under the constitution—that is, of making all such laws as the constitution directs or does not forbid. (Explanations are given later on as to the boards and officers mentioned here which the General Assembly has power to elect.)

Contests—that is, disputes or differences—may occur in the election of governor and lieutenant-governor. There may be contests as to counting of votes or as to the qualifications of candidates. Such contests are decided by the General Assembly.

Membership. Each house settles its own rules of proceeding; is judge of the election, qualification, and returns of its members. Members are not subject to arrest under any civil process during the session of the General Assembly, nor for fifteen days next before the convening, and after the termination of each session; are privileged from arrest in all cases during the session, except for treason, felony, perjury, breach of the peace, or a contempt of court of a criminal nature.

What is meant by each house being *judge of the election, qualification, and returns of its members* is, that it can decide whether the members are legally elected and qualified. *Returns* are the particulars as to names of candidates and the number of votes cast for each, which the election judges are required to make up after the close of the poll on election day. The qualifications necessary for a member of either house are as follows: he must be twenty-one years of age or over, he must be a citizen of the United States and a voter of the State of Virginia, and he must reside in the district for which he is elected.

Civil process is a law-proceeding in a case where no crime is charged, but such as for the recovering of a debt or for the settlement of a difference relating to business matters. *Perjury* is the crime of wilfully making a false oath. When a person appears as a witness in a court of law he has to take an oath that he will tell the truth. If after taking such oath he tells what he knows to be untrue, he is guilty of perjury.

A breach of the peace is any act of violence which causes public disturbance, such as one person assaulting another and thereby causing a quarrel or riot.

Contempt of court is disobedience to the orders or decrees or rules of a court of law. Insult or violence to a judge in court would be *criminal contempt.*

Salaries. The President of the Senate and the Speaker of the House of Delegates, each, $600; and the other members, each, $360 for attendance and service at each regular session; at all extra sessions, the President of the Senate and Speaker of the House of Delegates shall receive, each, $360; and the other members, each, $180. Members are entitled to mileage.

In addition to his salary each member of the Assembly receives ten cents per mile for expenses of travelling to and from the sessions of the Assembly. This allowance is called *mileage.*

Bills may originate in either of the two houses of the General Assembly. No bill shall become a law until it has been read on three different days of the session in

the house in which it originated, unless two-thirds of the members in that house shall otherwise determine.

Every bill which shall have passed the Senate and House of Delegates shall, before it becomes a law, be presented to the Governor; if he approve, he shall sign it and it is then a law, but if not, he shall return it with his objections to the house in which it originated; who shall proceed to reconsider it. If after such consideration two-thirds of the members present shall agree to pass the bill, it shall be sent to the other house, by which it shall be reconsidered, and if approved by two-thirds of all the members present, it shall become a law, notwithstanding the objections of the Governor.

If any bill shall not be returned by the Governor within five days after it shall have been presented to him, it shall be a law in like manner as if he had signed it.

A *bill* is a draft or statement of a proposed law. A bill may *originate* in either house—that is, it may be first proposed in either the Senate or House of Delegates. Any senator or delegate who wishes to have a new law made must first put it in writing. Then he himself introduces or proposes it in the house of which he is a member, or it may be introduced by a *committee.*

A committee is a number of persons, usually not a large number, appointed by a legislature or other body to take charge of and attend to some particular business. The members of the House of Delegates and of the Senate are divided into committees, and some special subject or business is entrusted to each. For example, in the Senate there are committees on Privileges and Elections, Public Institutions and Education, and many other subjects; and in the House of Delegates there are committees on Courts of Justice, Schools and Colleges, and other subjects.

Usually proposals for new laws are referred for consideration to the committee having charge of the subject or business to which the proposed law relates. Committees in the Senate are

elected by the senators themselves; committees in the House of Delegates are appointed by the speaker.

When a new law or bill is introduced it is either proposed by a committee, or by some member and given for consideration to a committee. In order to pass, it must be read three times on three different days (once each day) in the house in which it originates.

The first reading is the formal placing or presenting of the bill before the house. At the second reading the bill is discussed, and any member who wishes to say anything for or against it is at liberty to do so.

Amendments may also be proposed at the second reading. An amendment is an alteration or a change in the wording or matter of a bill. After an amendment is discussed the house votes upon it, and if a majority is for it, the change is made in the bill.

When all amendments are discussed and voted on, a vote is taken on the bill as a whole, and if a majority of the members vote for it, it is read a second time.

It is then engrossed, or written out, by the clerk of the house, and read a third time, after which a vote is again taken, and if there is a majority for it, it *passes* the house.

When the bill is passed in the house in which it originated, it is taken to the other house by the sergeant-at-arms. There it goes through the same forms of reading and discussion, and if it be read three times and have a majority in its favor it is passed. It is then enrolled, after which it is signed by the presiding officer in each house, and when this is done it is sent to the governor for his signature.

The sergeant-at-arms is an officer whose duty it is to preserve order in the chamber where the sessions of either house are held, to distribute among the members any papers or documents they may require, and in general to perform such services as are necessary for the proper transaction of business. Each house has its own sergeant-at-arms.

(For *enrolling*, see under *House of Delegates*, page 19.) The requirements with regard to a bill after it is sent to the governor are stated in the text above. (For the *veto* power of the governor, see page 28.)

QUESTIONS.

1. In whom is the legislative power of the commonwealth vested?
2. What is the legislative power?
3. Define *commonwealth.*
4. What is a delegate?
5. What does the Senate consist of?
6. What are senatorial districts, and how many are there in the State?
7. Who is the presiding officer of the Senate?
8. For how long are senators elected?
9. What are the qualifications of a senator?
10. What are the powers of the Senate?
11. What does impeachment mean?
12. Who tries a case of impeachment?
13. What is the House of Delegates composed of?
14. Define *statute.*
15. For how long are members of the House of Delegates elected?
16. What are the qualifications of delegates?
17. What are the powers of delegates?
18. Define *apportioned.*
19. What is the chairman of the House of Delegates called?
20. What are the *rolls,* and by whom are they kept?
21. What does the General Assembly consist of ?
22. How often are the sessions of the General Assembly held?
23. What is a special session?
24. What are the powers of the General Assembly?
25. What officers does it elect?
26. What is *legislation?*
27. What are contests in elections of governor and lieutenant-governor, and who decides them?
28. What is meant by each house being judge of the election, qualifications, and returns of its members?
29. What are election *returns?*
30. Define *civil process.*
31. What is perjury?
32. What is contempt of court?
33. What are the salaries of the officers and members of the Assembly?
34. What is mileage?
35. What is a bill?
36. Tell how a bill becomes a law.
37. What is a committee?
38. Define *amendment.*

III.

EXECUTIVE DEPARTMENT.

Governor.

Elected. By the people for four years. Must reside at the seat of government during his term of office; not eligible for the next succeeding term. Salary, $5,000 a year. He shall receive no other emolument from this or any other government.

The *seat of government* is the city or town in which the Legislature holds its sessions. Richmond is the seat of government of the State of Virginia. *Term* is the period of time for which a public officer is elected. The term of the governor is four years. He is not eligible—that is, he cannot be elected—for the *next succeeding term*—that is, he cannot be governor for two terms, one immediately following the other. *Emolument* is salary or compensation or pay.

Qualifications. Must be at least thirty years of age; must be a citizen of the United States; must have been for the three years next preceding his election a resident of the State. If of foreign birth, he must have been a citizen of the United States for the ten years next preceding his election.

Foreign birth means birth in any country outside the United States. But the children of American citizens are citizens of the United States, even though they have been born in another country.

Powers and Duties. The chief executive officer of the commonwealth; shall take care that the laws are faithfully executed; shall communicate to the General Assembly, at every session, the condition of the commonwealth, and recommend such measures as he may deem expedient; may call special sessions of the General Assembly; shall be Commander-in-Chief of the Land and Naval Forces of the State; may embody the militia to repel invasion, suppress insurrection, and enforce the execution of the laws; shall conduct all intercourse with other and foreign states; may fill temporarily, during the recess of the General Assembly, all vacancies in those offices for which the constitution and laws make no provision; may remit fines and penalties, grant reprieves and pardons, remove political disabilities, and commute capital punishment; shall attest all commissions and grants; signs or vetoes bills passed by the General Assembly.

The governor is the *chief executive officer*. He is called *chief* because he is the highest public officer of the State, and *executive* because it is his duty to *execute* or carry out the laws. It is also his duty to send what is called a *message* to each session of the General Assembly. The message is a letter or statement in which he *communicates* to the Assembly full information as to the condition of the State, and recommends such *measures*—that is, such new laws—as he thinks necessary.

Militia is a body composed of citizens enrolled and trained as soldiers for the defence of the State. All able-bodied male persons between the ages of eighteen and forty-five years may be called to serve in the militia. *Naval forces* are military forces or militia that serve on sea.

Invasion is the entrance into a State of a military force from another country for the purpose of conquest. To *repel* invasion is to oppose it by force, to drive off the invaders. *Insurrection* is a rising or rebellion of people in a State against the government of their own State. It is the duty of the governor to *suppress*—

that is, to put down—insurrection, and to *enforce* the *execution* of the laws—that is, to carry out the laws by force if necessary. *Intercourse* is correspondence with others by letter or message. When it is necessary to have intercourse with another State or a foreign country, the governor, as the chief executive and highest representative of the people, is the person who conducts such correspondence.

The *recess* of the General Assembly is the time when it is not in session. During recess of the Assembly, the governor *may fill vacancies in public offices for which the Constitution and laws make no provision.* For example, the Constitution and laws make no provision for the appointment of judges during the recess of Assembly; therefore, if a judge dies during the recess, the governor appoints a person to fill the vacancy until the Assembly meets and elects a new judge.

A *fine* is a *penalty* or punishment in the form of payment of money. Sometimes a person convicted of an offence against the law is ordered by the judge to pay a sum of money instead of being sent to jail. This is called a *fine.* But it may happen that the person is convicted by mistake or by false evidence, or that the fine is too heavy for the person to pay. In such cases the governor may *remit* the *fines*—that is, release or free the persons from having to pay.

The governor may also *grant reprieves and pardons* if he sees good reason for doing so. A *reprieve* is a delay of punishment. When a person is convicted of murder, the judge sentences him to be put to death on a certain day. But there may be reason for further inquiry into the case, and to give time for such inquiry the governor may postpone the execution of the sentence—that is, put it off to another day. This is called a reprieve. If the further inquiry should prove that the person is innocent, a full pardon is granted and the person is set free.

Political disabilities are punishments which deprive persons of certain rights of citizenship. A citizen convicted of bribery in an election, embezzlement of public funds, treason, felony, or petit larceny, is by the law of Virginia deprived of the right of voting. This is a *political disability.* The person convicted is legally *disabled* to vote. The governor may remove the disability, and this restores to the person his right of voting. The

governor may also *commute capital punishment.* To *commute* is to *change*, and *capital punishment* is the punishment of *death* —the punishment inflicted on persons convicted of murder. The governor may order that instead of being put to death the convict be imprisoned for life, or for a number of years. (A convict is a person *convicted* or found guilty of crime.)

The governor shall *attest all commissions and grants.* To *attest* is to certify, or bear witness to, and a *commission* is a written paper giving power or authority to some person or persons to perform a public duty. When a judge is elected he receives a commission authorizing him to act as such, and the governor attests the commission by signing his name to it. *Grants* or gifts, such as grants of public lands or money for educational or other public objects, are also made in writing, and must be attested by the governor. (Commissions and other important papers must have upon them an impression of the *seal* of the State. The seal is a circular piece of metal made like a medal or large coin and bearing on each side certain figures and mottoes. The impression of the seal shows that the paper has been officially attested or certified.)

The *veto* power is one of the most important powers possessed by the governor. When a bill is passed by the General Assembly it is sent to the governor for his signature. If he *sign* it—that is, writes his name upon it—it is then a law. If he *veto* it—that is, refuses to sign it—it cannot become a law until it is again passed by the Assembly, and by a two-thirds vote of both houses. This is sometimes called passing a bill *over the governor's veto.* (*Veto* is a Latin word meaning *I forbid.*)

In case the Governor dies, or is in any way incapacitated for performing the duties of his office, the Lieutenant-Governor shall act; and in case of the inability of both, the President *pro tempore* of the Senate shall act.

Incapacitated for office means legally disqualified. The governor would be incapacitated if he should refuse to qualify by taking the necessary oath, or if he should reside out of the State, or if he should be convicted on impeachment.

Lieutenant-Governor.

Elected. At the same time and for the same term as the Governor, and his qualifications and the manner of his election in all respects shall be the same.

He shall be the President of the Senate, but shall have no vote, except in case of an equal division.

For the same term means for the same length of time. The governor is elected for four years. That is his *term* of office. The term of the lieutenant-governor is the same.

An *equal division* is an equal number voting for and against the same proposal. If a bill is proposed in the Senate and twenty senators vote for and twenty against it, that is an *equal division.* In such case, and in no other case, the president votes. He may vote on either side he pleases, and his vote is called a *casting vote.*

Attorney-General.

Elected. By the people for four years. Salary, $2,500 and mileage.

Duties. Shall give his opinion and advice when required to do so by the Governor, or by any of the public boards and officers at the seat of government; shall appear as counsel for the State in all cases in which the commonwealth is interested, depending in the Supreme Court of Appeals, the Supreme Court of the United States, the District and Circuit Courts of the United States for the State of Virginia, and the Circuit Court of the City of Richmond; shall discharge such other duties as may be imposed by the General Assembly.

An attorney is a person who acts for and in the place of another. The word is usually applied to a lawyer who is employed by another to act for him in any law business he wishes to have done. An attorney who appears in a court of law and acts or

defends a person, or acts against a person accused of crime, is called a *counsel.*

The *attorney-general* is a lawyer who is elected to do law business for the State. He must appear in court as *counsel for the State* in every case in which the commonwealth (meaning the whole people) is *interested.* The commonwealth is interested in every case of crime, because it is for the interest or well-being of the people that those who commit crime should be punished. If this were not done—if criminals, persons who commit murder or burglary or theft—were not arrested and punished, no man's life or property would be safe. The attorney-general must appear and act for the commonwealth in any of the courts above mentioned whenever there is a case in any of them in which the people of the State are interested.

Depending or pending with reference to a case means that the case is in court waiting to be tried or decided. (For information as to Supreme Court of Appeals and Circuit Court of the City of Richmond, mentioned above, see under *Judiciary Department.*)

The Supreme Court of the United States is the highest court of the United States. Its members or judges are appointed by the President and hold office for life, and it sits at Washington and tries cases in which any person or persons are accused of violating the Constitution of the United States. The members of the district and circuit courts of the United States are also appointed by the President. These courts sit in various *districts* of States, and try cases in which persons are accused of violating the laws of the United States—that is, the laws made by Congress.

The word *circuit* means *a going round.* A district in which the same judges *go round* at certain times and hold courts in several places is called a *circuit*, and the courts so held are called *circuit courts.*

QUESTIONS.

1. For how many years and by whom is the governor elected ?
2. Where must the governor reside ?
3. Is the governor eligible for a second term ?
4. What is the governor's salary ?
5. What is the seat of government ?

6. What qualifications are necessary in a candidate for governor ?
7. Mention some of the powers and duties of the governor.
8. Why is the governor called the chief executive officer ?
9. What is the governor's message ?
10. What is the militia ?
11. Define *naval forces, invasion, insurrection.*
12. What is a fine ?
13. What is a reprieve ?
14. What are political disabilities ?
15. What is capital punishment ?
16. Define *commissions* and *grants.*
17. What is the veto power ?
18. When does the lieutenant-governor act as governor ?
19. In case of the inability of both the governor and lieutenant-governor, who acts as governor ?
20. How is the lieutenant-governor chosen ?
21. What are the qualifications of the lieutenant-governor ?
22. Does the lieutenant-governor ever vote in the Senate ?
23. What is an equal division ?
24. What is an attorney ?
25. For how long is the attorney-general elected ?
26. What is his salary ?
27. What are his duties ?
28. What are circuit courts ?

IV.

EXECUTIVE DEPARTMENT—Continued.

Officers Elected by the General Assembly.

Secretary of the Commonwealth.

Term. Two years. Salary, $2,000 and commissions allowed by law.

Duties. Shall keep a record of all executive acts; shall attest the signature of the Governor on all official documents; shall keep the seals of the commonwealth; shall arrange and preserve all records and papers belonging to the Executive Department; shall be charged with the clerical duties of that department, and render the Governor such services as he may require in the dispatch of executive business; shall be general librarian, and have charge of the library fund; shall receive and transmit election returns directed by law to be sent to him, and keep a record of the certified statements and determinations of the Board of State Canvassers; issue certificates of election; collect tax on State seal; keep on file the reports of other departments and make and record a summary of each; record all charters of incorporation; shall make quarterly reports to the Governor.

Commissions are fees or payments for certain work done. The secretary of the commonwealth may charge fees for making out copies of any public papers or documents kept in his office, or for issuing commissions (letters of appointment) to certain public

officers. The person who receives the copy or commission must pay the fee.

A *record* is a written account or description of any business or work done. *Executive acts* are official acts of the governor. The secretary of the commonwealth must make records of such acts and preserve them in his office. He must sign his own name after the signature of the governor on all official documents. This is called *attesting* the signature.

There are two *seals of the commonwealth.* One is called the *great seal,* and the other the *lesser seal.* (For form and description of seal, see under *Powers and Duties* of governor, page 28.) The great seal is much larger in size than the lesser. It is affixed to documents signed by the governor which are to be used for purposes outside the jurisdiction of the State, or, for example, in a United States court, or in another State or foreign country. The lesser seal is affixed to public documents signed by the governor which are issued for use within the State.

Clerical duties are the duties of writing letters, records, and other papers or documents. A *general librarian* is one who has general charge or control of a library. The *library fund* is the books and maps belonging to the State. These are kept in the State library at the capital, and the secretary of the commonwealth is the librarian.

Election returns when made up by the judges of election are sent to the commissioners of elections and afterwards to the Board of State Canvassers. The board determines and decides who have been elected, and the secretary must *keep a record* of the Board's *determinations.*

After the election returns are examined by the State board, the secretary makes out *certificates of election* for certain State officers elected at the polls. The certificate is a paper certifying or stating that the person has been elected. There is a *tax* or charge on the use of the State seals on certain documents, and this tax is collected by the secretary of the commonwealth. The secretary must *keep on file*—that is, preserve—in his office the reports of other public departments of the State, and make a summary, or sketch, of the contents of each.

A *charter of incorporation* is a paper or document granted by the General Assembly, and giving power to a number of persons

to carry on business as a corporation, or to the people of a town or city to carry on the business of government within their own districts.

Treasurer.

Term. Two years. Salary, $1,500 and commissions allowed by law.

Duties. Shall receive and disburse, only upon a warrant from the proper Auditor, all moneys paid into the Treasury of the State; shall pay interest on certain bonds as they become due and payable; shall be the custodian of bonds held by the Commissioners of the Sinking Fund, and of bonds deposited by foreign express and insurance companies doing business in the State; shall make quarterly and annual reports to the Governor.

The *treasurer* is the person who receives and takes charge of money belonging to the State. The building in which the money is kept and in which the treasurer has his office is called the *treasury*. The treasurer also *disburses* money. To disburse is to pay out, and the treasurer cannot disburse without a warrant from the auditor (see next section).

The *warrant* is a writing giving the treasurer power to pay money. The treasurer pays the interest on State *bonds*. A bond is a written paper by which a person binds or pledges himself to pay a certain sum of money before a certain day. Sometimes the government has to borrow money, and when it does so it issues bonds to the persons who loan the money. In these bonds the government binds itself to pay the money by a certain time, and to pay a certain amount every year as interest until the principal (the full amount borrowed) is paid back.

The *sinking fund* is money set apart at certain times to pay the debts due by the government. It is in charge of officers called *commissioners*. These commissioners hold bonds for debts due to the government on account of the sale of public lands, and the interest of the State in railroads and other corporations. Express companies and insurance companies whose head-

quarters are in foreign countries, and who do business in Virginia, are required to give bonds to the State as security that their obligations to citizens of the State shall be honestly carried out. The treasurer is the *custodian* or keeper of those bonds.

Auditor of Public Accounts.

Term. Two years. Salary, $2,750.

Duties. Shall audit all pecuniary claims against the Commonwealth, except such as are chargeable to the Board of Education, Board of Public Works, or any corporation composed of officers of government, of the funds and property of which the State is sole owner; shall settle with officers charged with collecting the revenues of the State; shall issue warrants directing the Treasurer to receive money into the Treasury, and warrants upon the Treasurer in payment of all claims except those mentioned above; shall report to the Superintendent of Public Instruction by September 15th, in each year, ninety per cent. of the gross amount of funds applicable to public school purposes for the current year; shall make quarterly and annual reports to the Governor.

An *auditor* is a person who *audits* or examines accounts or statements of the receipt and expenditure of money, to see that they are correct.

Pecuniary claims are claims for the payment of money. Such claims made against the commonwealth are not paid until they are examined by the *auditor of the public accounts.* Claims that are chargeable—that is, to be charged—against the Board of Education, the Board of Public Works, or corporations of government officers, are not audited by the auditor of public accounts, but by the *second auditor* (see next section). To *report ninety per cent.* of the school funds is to state the amount to that extent that is ready to be apportioned or divided among the cities and counties for school use (see under sections *Superintendent of Public Instruction* and *School Funds*).

Second Auditor.

Term. Two years. Salary, $1,300 and commissions allowed by law.

Duties. Shall register all coupon and registered bonds and fractional certificates issued on account of the public debt, and on all bonds redeemed and cancelled by the Commissioners of the Sinking Fund; shall be the custodian of the books of the Commissioners of the Sinking Fund, and securities for money belonging thereto; shall audit all claims on account of the Board of Education, Board of Public Works, and every corporation composed of officers of government, of the funds and property of which the State is sole owner; shall issue his warrant for all moneys received into the Treasury, or drawn out of it on account of these boards and corporations, the Sinking Fund and the Literary Fund; shall make quarterly and annual reports to the Governor.

To *register* bonds is to enter particulars of them in books kept for the purpose. *Coupon* bonds are bonds with interest coupons or certificates attached to them, and bearing no name, but payable to any person who presents the coupons at the treasury at certain times. *Registered* bonds are bonds bearing the name of the person who receives them, and payable to that person or any person to whom he may sell or transfer them.

Fractional certificates are certificates or bonds issued for any fractional part of one hundred dollars of the public debt. All other bonds are issued for amounts of one hundred dollars or some multiple of a hundred.

A bond is *redeemed*—that is, bought back—when it is received at the treasury or office of the sinking fund and the amount of it is paid to the holder. The bond is then *cancelled*. To cancel is to deface or destroy so that the paper or bond cannot be used again.

A *security* is something given or deposited as a pledge that money loaned shall be repaid. Debts may be due to the sinking fund by railroad or other companies in which the State has an

interest, and *securities* have to be given that such debts shall be paid.

The *literary fund* was formed in 1810 from the sale of public lands, some of which had been possessed by the Church in colonial times. The fund has since been increased by the sale of lands given to the State by Congress for public school purposes, and by fines collected for offences committed against the State, and by donations made by private individuals. It is called the literary fund because it is used for purposes of education.

Register of the Land Office.

Term. Two years. Salary, $1,500. He is also **Superintendent of Public Buildings** and of **Weights and Measures.**

Duties. Shall issue grants to all purchasers of waste lands; record all grants and patents, and furnish lists to the clerks of the county and corporation courts; shall keep the records, documents, and entries of Northern Neck Lands, and of lands granted, or to be granted, by the Commonwealth; shall have care of the public buildings and all other public property at the seat of government not placed in charge of others; shall have control of Capitol Square; shall try, prove, and seal weights and measures; shall report semi-annually to the Auditor of Public Accounts.

The *land office* is the office in which business connected with the sale or granting of public lands is conducted. This business is under the control of an officer called the *register of the land office*, and public buildings in the State are under his care. He is also *superintendent of weights and measures*. At his office are kept weights and measures, provided by the State, to be furnished to counties and corporations as standards by which the weights and measures in business use throughout the State are tested. The State weights and measures are tried by the register once every ten years, and when proved to be correct are marked with a seal.

In every county there is a *sealer* of weights and measures, who must examine, once every three years, the weights and measures in use throughout the county, to see that they are up to the standard.

A *patent* is a government paper granting to some person or persons the sole right to make or sell some new invention.

The *Northern Neck* was the name given in colonial times to the peninsula lying between the Rappahannock and Potomac Rivers.

Railroad Commissioner.

Term. Two years. Salary, $2,500. Expenses borne by the several railroads.

Duties. Shall have general supervision of all the railroads in the State operated by steam; shall examine them; shall inform himself as to their condition, the manner in which they are operated, the causes of accidents, their compliance with the provisions of their charters and the laws of the Commonwealth; suggest and require improvements; shall contract for the conveyance of convicts, lunatics, etc.; receive annual reports from the several railroads; make annual report to the Governor.

The salary of the railroad commissioner is paid by the State, but the *expenses* incurred by him in the performance of his duties are borne—that is, paid—by the railroads he may have to examine.

Every railroad company in Virginia has a charter from the State, in which are stated certain conditions, on which, in the interests of the people, they must carry on their business. It is the duty of the railroad commissioner to examine the railroads from time to time to see that they are *operated*—that is, worked—in such a way that there shall be no danger to the lives of the people who travel upon them.

To *contract* is to make an arrangement or a bargain for some work to be done. The railroad commissioner makes contracts with the railway companies for carrying convicts to prison from the place in which they are tried and convicted, and for carrying lunatics to the asylum or hospital in which they are to be confined.

Superintendent of the Penitentiary.

Term. Two years. Salary, $1,600.

Duties. Shall reside at the Penitentiary and be its chief executive officer; shall have control and custody of the property of the Penitentiary; shall employ a guard; shall report quarterly to the Governor, and monthly and annually to the Board of Directors.

The *penitentiary* is the State prison at Richmond in which persons convicted in the State courts are imprisoned.

The *guard* is a body of men employed at the prison by the superintendent to prevent prisoners from escaping and to suppress rebellion by the prisoners if attempted. The *Board of Directors* is the board or body of men who have the management of the penitentiary. They are appointed by the governor.

Superintendent of Public Printing.

Term. Two years. Salary, $1,250.

Duties. Must be a practical printer; shall have the supervision and management of the public printing and binding of the Commonwealth; shall report quarterly to the Governor, and biennially to the General Assembly.

The numerous public departments and offices of the State require to have a great deal of printing done. The acts passed by the General Assembly, the reports of public boards and of public officers, and the proceedings and decisions of some of the courts have to be printed and bound into books. It is the duty of the superintendent of public printing to make contracts for such work and all other printing and binding required for State purposes, and to see that it is properly done.

Commissioner of Agriculture.

Appointed by the Governor, with the advice and consent of the Senate. Term, two years. Salary, $1,200.

Duties. Shall have control and management of the Department of Agriculture; shall examine and test fertilizers, collect mining and manufacturing statistics, establish a cabinet of minerals; shall investigate matters pertaining to agriculture, the cultivation of crops, and the prevention of injury to them; shall distribute seeds; shall report annually to the Governor.

It is the business of the Department of Agriculture to promote the interests of farming throughout the State, and the *commissioner of agriculture* is in charge of that department or office. *Fertilizers* or manures are substances for making the soil fertile or productive. *Statistics* are statements of facts, usually accompanied by figures, showing the condition or progress of countries or peoples or industries.

The mining and manufacturing statistics of the State tell how many mines and manufacturing establishments are open in the State, how much work they do, how many people they employ, and give other important information regarding them.

A *cabinet of minerals* is a collection of specimens of minerals, such as coal, ores, and metals. The commissioner of agriculture must keep in his office a collection or cabinet of samples or specimens of the minerals of Virginia, and the place where they are kept must be open to the public.

He must also make arrangements for providing from foreign countries such farm seeds as he may think of value to the people of the State, and he must *distribute* them in a careful and judicious manner among the people. He cannot, however, spend more for this and all the other purposes of his office than $5,000 per annum, which is the amount allowed by the State for the support of the Department of Agriculture.

The State Assayer and Chemist.

Appointed by the Governor; shall continue to discharge the duties of his office until his successor is appointed and qualified. Salary, fees for analyses.

Duties. Shall analyze soils, and assay such ores and metals as are presented to him for this purpose, and give a certificate thereof.

An *assayer* is one who examines ores and metals in order to test their quality and value.

A *chemist* is one who can analyze any substance in order to find what it is composed or made up of. To analyze is to separate the parts, or different materials, of which any substance is composed, so as to examine each part and tell what it is.

It is the duty of the State assayer and chemist to assay ores and metals and analyze soils and other substances that are presented to him for that purpose.

Board of Public Works.

Composed of the Governor, Auditor of Public Accounts, and the Treasurer.

Duties. Shall have such power for preserving, improving, and disbursing the fund for internal improvements as the General Assembly may prescribe; shall appoint State Directors and State Proxies for works of internal improvement in which the State is interested; shall keep in the Treasurer's office a register of all property belonging to the State; shall keep copies of State and county maps; fix the rate of interest to be paid by the State Depositaries; fix tolls, etc.; receive reports from all companies incorporated to make a work of internal improvement; and institute legal proceedings against such companies when necessary.

Internal improvements are public works of various kinds for the improvment of the State, such as railroads, canals, highways. Money of the State may be invested in the capital of corporations carrying on internal improvements, and it is the duty of the Board of Public Works to watch and protect the interests of the State in such undertakings.

For this purpose the Board may appoint *directors* and *proxies* to act in such companies. A proxy is a person appointed as a substitute for another. Proxies are appointed to represent and vote for the State at meetings of corporations for internal improvements, in which the State holds stock—that is, has money invested.

State depositaries are banks where moneys to be paid to the State treasury are deposited. Such banks have to pay interest to the State for the State funds deposited with them. A *toll* is a charge made for passing certain canals, bridges, etc. The Board of Public Works has the power to fix the amount of toll when it is not specified in the charter of the canal or bridge company.

Commissioners of the Sinking Fund.

Composed of the Treasurer, Auditor of Public Accounts, and the Second Auditor.

Duties. Shall have control and management of the Sinking Fund; shall create bonds, coupon and registered, to be used in the settlement of the public debt.

For explanation of terms in this section, see under *Treasurer* and *Second Auditor*, pages 34–36.

Board of State Canvassers.

Composed of the Governor, Secretary of the Commonwealth, Auditor of Public Accounts, Treasurer, and Attorney-General.

Duties. Shall examine the certified abstracts of votes on file in the office of the Secretary of the Commonwealth, and make statement of the whole number of votes given at any election for Attorney-General, members of the Senate and House of Delegates, Representatives in Congress, and electors of President and Vice-President of the United States, and determine what persons have been duly elected.

The manner of voting at elections is explained on page 14, and the duty of the secretary of the commonwealth with regard to election returns is explained on page 33. The election returns, made up after the close of the polls on election day, are sent to the office of the clerk of the county or corporation in which the election is held.

Election returns are the books containing the names of the candidates and the number of votes given for each. On the second day after the election the *commissioners of election* meet at the clerk's office and make out *abstracts* of the result of the voting and send them to the secretary of the commonwealth. (For *commissioners of election*, see under *Electoral Board.*)

An abstract is a paper containing the name of the person or candidate who has received the highest number of votes, and the number of votes received. Abstracts are made out for governor and lieutenant-governor, for attorney-general, for senators and delegates, for electors for President and Vice-President, for congressmen, and for county, district, and corporation officers voted for at the election. When the abstracts are made out they are certified and signed by the commissioners and attested by the clerk, who acts as clerk for the commissioners.

To *certify* is to state or declare that anything is true or correct. The commissioners certify the abstracts that they are correct, and they sign their names upon them. They are then *certified abstracts*, and certified copies of the abstracts for State officers are sent to the secretary of the commonwealth. These abstracts are examined in the office of the secretary of the commonwealth, by the Board of State Canvassers, who determine who are elected.

The secretary of the commonwealth after recording the determinations of the commissioners makes out certificates of election for senators, delegates, congressmen, and State officers elected, except for the attorney-general. The attorney-general receives his certificate or *commission* from the governor. (See page 28.) Certificates of election for county or corporation officers are made out by the clerk of the commissioners of election. To canvass is to search or examine thoroughly, hence persons who examine election returns are called *canvassers.*

State Board of Education.

For constitution and functions of this important board, see under *Education*, page 95.

Superintendent of Public Instruction.

For election, term, salary, and duties of this State officer, see under *Education*, pages 96, 97.

QUESTIONS.

1. What is the term of office of the secretary of the commonwealth?
2. What is his salary?
3. Name some of his duties.
4. Define *commissions*.
5. Define *executive acts*.
6. What are the seals of the commonwealth?
7. What is a certificate of election?
8. What is a charter of incorporation?
9. What is the term of office of the treasurer?
10. What is his salary?
11. What are his duties?
12. Define *warrant*.
13. Define *bond*.
14. What is the sinking fund?
15. What is the term of office of the auditor of public accounts?
16. What salary does he receive?
17. What are his duties?
18. What is the term of office of the second auditor?
19. What does *registering bonds* mean?
20. What are coupon bonds?
21. What are registered bonds?
22. What are fractional certificates?
23. What does *redeeming* a bond mean?
24. What is the literary fund?
25. What is the term of office of the register of the land office?
26. What other offices does the register of the land office hold?
27. Mention some of the duties of the register of the land office.
28. What is the business of the land office?
29. What are the duties of the superintendent of weights and measures?

30. What is a patent?
31. Name some of the duties of the railroad commissioner.
32. Who pays his expenses?
33. What are the duties of the superintendent of the penitentiary?
34. What is the penitentiary?
35. What are the duties of the superintendent of public printing?
36. How is the commissioner of agriculture chosen and for how long?
37. What salary does the commissioner of agriculture receive?
38. What is the business of the department of agriculture?
39. What are fertilizers?
40. Define *statistics.*
41. What do the mining and manufacturing statistics tell?
42. What is a cabinet of minerals?
43. How is the State assayer and chemist chosen?
44. What are his duties?
45. What is an assayer?
46. What is a chemist?
47. What is the Board of Public Works composed of?
48. Mention some of its duties.
49. What are internal improvements?
50. What are State depositaries?
51. Who are the commissioners of the sinking fund?
52. What are the duties of the commissioners of the sinking fund?
53. What is the Board of State Canvassers composed of?
54. What are the duties of the Board of State Canvassers?
55. What are election returns?
56. What are certified abstracts?
57. Who makes out certificates of election for State officers?
58. Who for county officers?
59. Does the attorney-general receive a certificate of election?

V.

JUDICIARY DEPARTMENT.

Supreme Court of Appeals.

Composed of five judges. Term, twelve years. Salary: President, $3,200; Judge selected to reside at seat of government, $4,000; other judges, each, $3,000. The judges shall not hold any other office or public trust; shall not practice law.

Qualifications of Judges. Must have held a judicial station in the United States, or have practiced law for five years.

Sessions. Shall hold a session annually at Richmond, Wytheville, and Staunton.

The *Judiciary Department* is that part of government which is administered by *judges*. All the courts of law in the State in which judges sit and hear and decide cases, or all the judges of the State regarded as one body, may be called the *judiciary*.

The highest court in the State is the *Supreme Court of Appeals*. It has five judges, who are elected by the General Assembly and hold office for twelve years. The five judges appoint one of their number to be *president* of the court, and they appoint or select another who must reside at the seat of government. While they hold office as judges of the Court of Appeals they are not allowed to *practice law*—that is, to act as attorney or counsel (see under *Attorney-General*, page 29).

Judicial station is the station or rank or office of a judge. A person cannot be elected judge of the Supreme Court of Ap-

peals unless he has previously been a judge in the United States, or has practiced law for five years.

The *session* of the court is the number of days it sits for business at any one place and time.

Jurisdiction. Shall have appellate jurisdiction only, except in cases of **habeas corpus, mandamus,** and prohibition; shall not have jurisdiction in civil cases where the amount in controversy, exclusive of costs, is less than $500, unless such controversy relates to the title or boundary of land; probate of a will; the appointment or qualification of a personal representative, guardian, committee, or curator; a mill, roadway, ferry, or landing; the right of a corporation or of a county to levy tolls or taxes; or the constitutionality of a law.

Jurisdiction means the power of a judge or of a court of law. *Appellate* jurisdiction is the power of a court to hear and decide cases of *appeal* against the decisions of lower courts.

This is the principal business of the Supreme Court of Appeals. In trials in the lower courts it frequently happens that the judge gives a decision which some lawyer acting in the case may think is not in accordance with law, or is not fair to his client. Whenever this happens, the lawyer may take the case to the Supreme Court of Appeals and ask the judges there to set aside the decision of the judge in the lower court. In cases of appeal, the court in which the decision appealed against has been given is called the *lower court.* A person who employs a lawyer to act for him in any law business is called a *client.*

The Supreme Court, after hearing the complaint or appeal against the decision of the lower court, considers the case and gives judgment on the question. This judgment is final—that is, it ends the case—unless there is some point in the question which has to do with the Constitution of the United States. If the lawyer in the case believes that his client's rights as an *American citizen* are violated by the decision of the Supreme Court of Appeals, he may carry the case to the Supreme Court of the United States at Washington, and the judgment of this court is absolutely final.

The Supreme Court of Appeals has appellate jurisdiction *only*—

that is, it can try no case except appeal cases—but it may issue writs of *habeas corpus*, *mandamus*, and *prohibition*.

A *writ* is a paper issued by a judge, or court, commanding some person or persons to do something, or to abstain from doing something. *Habeas corpus* is a Latin phrase meaning *you may have the body*. A writ of habeas corpus is an order from a court directed usually to a warden or keeper of a prison, and commanding him to bring some particular prisoner before the court so that it may be decided whether there is just cause for his detention.

A *mandamus* is an order from a superior court to any person, corporation, or inferior—that is, lower—court requiring them to do something which it is part of their duty to do. A writ of *prohibition* is an order from a superior court prohibiting an inferior court from hearing or deciding a case, on the ground that it (the inferior court) has no jurisdiction in such case. (For *civil cases*, see *civil process* under *General Assembly*, page 21.)

When the amount in controversy between two parties is less than $500, exclusive of costs—that is, excluding or not counting costs—the case cannot be appealed to the Supreme Court. In such cases that court has no jurisdiction. The idea of this law is that for sums less than $500 it would be absurd to go to the Supreme Court, as the costs might be greater than the sum in dispute. (*Costs* are expenses, such as lawyers' fees, which are incurred in having a case brought before court and tried.) But if the dispute be about the title or boundary of land, or any of the other matters mentioned in the remainder of the sentence, the case may go before the Supreme Court of Appeals, even though the sum mentioned in the case be less than $500.

The *title* of land is the right of ownership, and a paper certifying that a person is the owner of certain land is a *title deed*. The *probate of a will* is the proof or proving of a will. A *will* is a statement, generally in writing, in which a person declares his *will*, or wish, as to how he desires his property to be disposed of after his death. Wills must be probated—that is, proved in the proper court—before they can be legally executed.

A *personal representative* is one who executes a will (carries out the directions contained in it) or administers the estate or property of a deceased person. A *guardian* in law is one appointed by a court to take charge of and administer the property

of persons who are not of sufficient age or understanding to manage their own affairs. A *committee* in law is one entrusted with the care of an idiot or a lunatic. Used in this sense, the word is pronounced com-mit-tee'. A *curator* is one appointed to act as guardian of the estate of a person not legally competent (qualified) to manage his property, or of the estate of an absentee.

To *levy* means to raise or collect. Each county in the State has the right to *levy tolls and taxes* to pay the cost of carrying on its government. The *constitutionality* of a law is its agreement with the Constitution. The Supreme Court of Appeals has the jurisdiction to decide, when appealed to, whether any law is constitutional or not—that is, whether or not it is allowed by the Constitution of the State of Virginia.

Circuit Courts.

There are seventeen judicial circuits, with a judge for each circuit. The judge must reside in the circuit for which he is elected; shall not hold any other office or public trust; shall not practice law. Term, eight years. Salary: two judges, $2,300 each; one judge, $2,200; two judges, $1,900 each; each of the others, $1,600. The judge is entitled to mileage.

Qualifications. The same as for judges of the Court of Appeals.

Terms. There shall be at least two terms in each year in every county and corporation in the circuit.

For explanation of *circuits*, see under *Attorney-General*, page 30.

The *term* of a court is its regular session, or sitting, for the hearing and trying of cases. There must be two *terms*, or sittings, of the circuit court every year in each county and corporation in the circuit. The word *court* means not only the room or hall in which a judge sits to try cases, but it means the judge while sitting in court, or a number of judges sitting in court together. An order of the *court* means an order given officially by a judge.

Jurisdiction. Original and general jurisdiction in all cases in chancery and civil cases at law, except for the recovery of personal property, or money of less than $20 in value.

Appellate jurisdiction in all cases, civil and criminal, where an appeal, writ of error, or **supersedeas** may be taken to or allowed by said courts from or to the judgment or proceedings of any inferior tribunal; shall have jurisdiction of proceedings by **quo warranto**; may issue writs of **habeas corpus, mandamus,** prohibition, and **certiorari**; may grant charters of incorporation; appoint trustees, guardians, receivers, curators, commissioners in chancery; has jurisdiction of probate of will and testamentary cases. The circuit judges have general jurisdiction to award injunctions.

Original jurisdiction means jurisdiction from the beginning of a case—that is, power to take up and try it when it is first entered in law. The Supreme Court of Appeals has not this power. It can deal only with cases that have already been tried in some other court. But the circuit courts may try cases on their first hearing. This is *original* jurisdiction. They have also general jurisdiction—that is, they can try all cases *in general* in which the law is violated, or the protection of the law is sought or required.

In chancery means in *equity*—that is, in natural right. A court of chancery may give a decision or judgment on the ground of plain, common justice between man and man, where there may be no statute law that bears upon the case. This is what is called equity. *Personal property* is movable property, such as furniture, money, etc. Immovable property, such as land or houses, is called *real estate.* Circuit courts have no jurisdiction for the recovering of personal property of value less than $20, the reason manifestly being that the cost of a circuit court trial of such a case might amount to a much greater sum than the sum in dispute.

The circuit courts have *appellate jurisdiction* in cases appealed from *inferior tribunals*—that is, lower courts. (For *civil case*, see

under *General Assembly*, page 21.) A *criminal* case is one in which a person is charged with a crime or felony. A *writ of error* is an appeal ordered on the ground of an *error* or mistake in the proceedings of a court, either as to a matter of fact or a point of law. A *supersedeas* is a writ, or order, to suspend the powers of an officer, or to stay—that is, stop—action under another writ.

Quo warranto is a Latin phrase, the English of which is *by what warrant* or authority. In law it means a writ brought before a court to inquire *by what authority* a person or corporation exercises certain powers. For example, if a person assume the duties or work of a public office, and it is believed that he has no legal right to the office, proceedings in *quo warranto* may be taken against him.

Certiorari is a writ from a superior court in a certain case, ordering the removal of the case from an inferior court, so that more speedy justice may be obtained or that errors may be corrected. (For *charters of incorporation*, see under *Secretary of the Commonwealth*, page 33.) A *receiver* is a person appointed by a court to receive, or hold in trust, property about which law proceedings are being taken. *Commissioners in chancery* are commissioners or officers appointed from time to time by circuit court judges to examine and report upon accounts (statements relating to money) presented as evidence in the trial of a case.

Testamentary cases are cases about wills. A *testament* is a written paper in which a person declares (or *testifies*) how he wishes his property to be disposed of after his death. Such a paper is sometimes called a *last will and testament.* An *injunction* is an order of a court requiring a person to do or refrain from doing certain acts.

The Circuit Court of the City of Richmond possesses all the powers of other circuit courts except as to those matters the jurisdiction of which has been exclusively invested in the Chancery or the Hustings Court. It shall also have jurisdiction of all such suits, motions, prosecutions, and matters and things as are specially cognizable by it, in which the Commonwealth, represented by certain public officers or public boards, is a party.

The Circuit Court of the City of Richmond has the same power as other circuit courts except in matters the jurisdiction of which belongs *exclusively* to the Hustings Court, and the Chancery Court of the City of Richmond—that is, belongs to them and to no other court. (For explanation as to these matters, see under *Hustings Court* and under *Chancery Court.*)

A *suit* or *lawsuit* is an action or proceeding in a court of law to recover a right, or to obtain justice in a matter under dispute. A suit at law is sometimes also called a *cause.* A *motion* (in law) is a carrying on of a suit or action in court to obtain some right, or to punish persons who have committed crime. *Cognizable* means liable to be taken notice of. Matters that are *cognizable* by a court are cases that it is fit and proper for it to hear, try, and decide.

A *party* to a suit is one of the two opposing persons or sides engaged in it. In every lawsuit there are at least two parties. The party or person that brings on the suit or action is called the *plaintiff*, because he makes a *complaint* or charge against some one; the party on the other side is called the *defendant*, because he *defends* himself against the charge.

QUESTIONS.

1. How many judges constitute the Supreme Court of Appeals?
2. How long is the term of each judge?
3. What salaries do they receive?
4. Do they hold any other office or practice law?
5. What are their qualifications?
6. Where are the sessions of the Supreme Court held?
7. Define *judiciary.*
8. Define *judicial station.*
9. What is a session of court?
10. Define *jurisdiction.*
11. What is appellate jurisdiction?
12. What is the principal business of the Supreme Court of Appeals?
13. What is a lower court?
14. What is a client?
15. When and how may an appeal be made from the judgment of the Supreme Court of Appeals?
16. In what other cases besides appeals has the Supreme Court jurisdiction?

17. Define *habeas corpus, mandamus, prohibition*, and *writ.*
18. What are the cases in which the Supreme Court has no jurisdiction ?
19. What are costs ?
20. Define *title* of land, and *title deed.*
21. What is meant by probating a will ?
22. What is a will ?
23. What is a personal representative ?
24. What is a guardian ?
25. What is a committee ?
26. Define *curator* and *levy.*
27. What is meant by the constitutionality of a law ?
28. How many judicial circuits are there ?
29. Where must a circuit court judge reside ?
30. Is a circuit court judge permitted to practice law ?
31. What are the salaries of circuit court judges ?
32. What are their qualifications ?
33. What are the terms of circuit courts ?
34. What does a *term* of court mean ?
35. What is the meaning of the word *court ?*
36. Name some of the kinds of cases in which the circuit courts have jurisdiction.
37. What do you understand by original jurisdiction and general jurisdiction ?
38. Define *chancery, personal property*, and *real estate.*
39. What is a criminal case ?
40. What is a writ of error ?
41. What is a *supersedeas ?*
42. Define *quo warranto.*
43. What is a *certiorari ?*
44. Define *trustee* and *receiver.*
45. What are commissioners in chancery ?
46. What are testamentary cases ?
47. Define *testament.*
48. What is an injunction ?
49. What are the powers of the Circuit Court of the City of Richmond ?
50. What is a lawsuit ?
51. What is a cause ?
52. What is a motion ?
53. Define *cognizable, party to a suit, plantiff, defendant.*

VI.

JUDICIARY DEPARTMENT—Continued.

County Courts.

Presided over by the County Judge, who must reside in the county or district; may practice law in certain cases; shall not hold any other office elective by the people. Term, six years. Salary, $280, and $20 additional for every thousand inhabitants over 10,000.

Qualifications of the County Judge. Shall be learned in the law of the State.

Terms. Held monthly; shall not exceed fifteen days.

A *county court* is a court having jurisdiction only within the county in which it is held.

A *county judge* is a judge who presides in a county court. He may practice law in any case not to be tried in his own court or not appealed from his own court. Besides his fixed salary of $280 per annum, a county judge shall have $20 extra per annum for every thousand of inhabitants in the county over and above 10,000. For example, if the population of the county be 11,000, the county judge shall have $300 per annum; if the population be 12,000, he shall have $320, and so on.

The *qualification* of a county judge is that he shall be *learned in the law of the State.* This means that he must be by profession a lawyer who has studied the law of the State of Virginia.

A *term* or session of the county court must be held once every month, each term to be no longer than fifteen days.

Jurisdiction. Shall have exclusive **original jurisdiction** for the trial of all presentments, indictments, and informations for offences committed within their respective counties or districts, except that persons charged with

any felony that is punishable with death may demand to be tried in the Circuit Court; **appellate jurisdiction** in all such cases as are by law allowed to be brought before them on appeal. They also have jurisdiction of all causes, motions, and other matters and things made cognizable therein by law; of writs of **mandamus** in all matters or proceedings arising from or appertaining to the action of the Board of Supervisors; of probate of wills and testamentary cases; may appoint guardians, curators, etc.; may award injunction in reference to crops; shall be the custodian of the standard weights and measures.

Original jurisdiction and *appellate jurisdiction* have already been explained. (See under *Circuit Courts*, page 50.)

A *presentment* is a notice taken by a grand jury of any offence or crime of which they may have knowledge. (For *grand jury*, see page 70.) The notice is a written statement of the facts, and the statement is sent or *presented* to the court in which the case may be tried.

After the presentment is made, the commonwealth's attorney prepares an *indictment*. This is a written charge against the accused person, with full particulars of the crime or offence alleged. The grand jury next make an investigation of the indictment by examining witnesses on oath, and if they think that the evidence is sufficient to prove the charge against the accused, they write on the indictment the words *a true bill*.

This does not mean that the person is found guilty, but that the grand jury find the case against the accused is so strong that it ought to be tried by a judge and jury, and so the person is brought into court and tried. But if the grand jury find that there is not evidence enough to convict the accused, they mark or indorse the indictment with the words *not a true bill*, and then there is no trial in court.

An *information* is an action or prosecution for some offence against the government, and it is based not on a grand jury indictment, but on a statement or complaint made on oath by a competent witness.

"Offences committed within their *respective* counties or districts," means offences committed within the county or district in which each has jurisdiction.

Persons charged with felony punishable by death may demand to be tried in the circuit court. Among the felonies punishable by death in Virginia are *murder in the first degree* and treason. Murder in the first degree is killing a person wilfully and with the intention to kill, or killing while attempting to commit arson, robbery, or burglary. All other murder is called *murder in the second degree.* (For *treason*, see page 13.)

Arson is the crime of wilfully setting fire to a house or other property. The cases allowed by law to be brought before county courts on appeal are cases tried by police justices or justices of the peace. In such cases the county courts have appellate jurisdiction.

Injunction in reference to crops means an injunction or order to prevent farmers from selling or disposing of their crops to avoid paying debts contracted on the security of such crops. The county court may *award*—that is, grant—such injunction.

A *custodian* is one who has charge, or takes care of anything. The county court is the custodian of the standard weights and measures for the county.

Corporation Courts.

Held in each city of the State (except the city of Richmond), by the city judge. Term of the judge, six years. Salary, a special provision for each city.

Qualifications of a judge. Same as those of the county judges.

Terms. Held monthly, except that the July or August term may be omitted.

Corporation courts, or city courts, are courts whose jurisdiction lies within corporations or cities, and the judges are called *city judges.*

There is a corporation court in each city of the State except Richmond, which has special courts for itself. These are noticed and explanations regarding them given in later sections.

The city judges hold office for six years. Their salaries are fixed or specially provided by the city council in each city, and are not the same in all the cities. They vary in amount from $2,000 to $750 per annum, the councils in certain cities, however, having power to increase the salaries of the judges. (For *city council*, see under *Government of Cities and Towns.*)

Every city judge must hold a term or session every month except July or August, in either of which the court term may be *omitted*—that is, not held.

Jurisdiction. Shall have within their respective limits the same jurisdiction as the Circuit Courts, and the same jurisdiction over all offences committed within such limits as County Courts have over like offences committed within their limits.

Within their *respective limits*—that is, each in its own city—the corporation courts have the same jurisdiction as the circuit courts and the county courts. This means that they have power to try the same kind of offences as may be tried in the circuit and county courts.

Justices' Courts.

Held by a justice of the peace; in the cities, by the mayor or police justice.

The judge who sits in a *justice's court* is called a *justice of the peace*, or simply a *justice*, and sometimes a *police justice*. Justices' courts and police courts are the courts in which generally all offences and cases not of a serious nature are tried and disposed of. (See under *Justices of the Peace* and under *Magisterial Districts*. For *mayor*, see under *Government of Cities and Towns.*)

Jurisdiction. Debt, exclusive of interest, not exceeding $100; fines, damages, etc., not exceeding $20; have jurisdiction of certain cases of unlawful entry and detainer, detinue, and search; may allow bail in certain

cases. Shall have concurrent jurisdiction with the County and Corporation Courts of the State in all cases of violations of the revenue laws of the State and of offences arising under certain provisions of the Code, and exclusive original jurisdiction for the trial of all other misdemeanor cases occurring within their jurisdiction.

A person charged with refusing to pay a debt may be brought before a justice's court if the debt, without interest, is not greater than $100, and the justice has power to decide the case. He has also power to try cases in which offenders may be punished by having to pay fines or damages of not more than $20.

Damages means money paid to compensate for the injury or *damage* done to any person or person's property.

Unlawful entry is entering unlawfully upon lands belonging to another, and *unlawful detainer* means unlawful detaining or holding possession of lands or houses belonging to another.

Detinue is an action in law in which a person seeks to get back property of his which is unlawfully held or *detained* by another. In such cases the justice may issue a warrant for *search* for the property detained.

A *warrant* is a document or paper issued by a judge giving power or authority to a policeman, or other officer of the law, to arrest a criminal, or an offender, in order to have him brought to trial. A warrant issued authorizing an officer to search for property stolen or detained, is called a *search warrant.*

Bail is security given for the release of a person from prison. When a person is arrested and charged with a crime he may, if the crime be not a very serious one, be let out of prison and left at liberty until trial, if some one will give security or pledge for him that he will appear in court on the day appointed for the trial. If the amount required is small, the security is usually given in the shape of money, but if the amount is large, it is given in the shape of a bond called a *bail-bond.*

The person giving the bail-bond must be one who owns real estate to the value of the amount of bail, and if the person to be tried does not appear for trial at the time appointed, the person who gives the bond may be required to pay the amount into court.

Concurrent jurisdiction is the same or equal jurisdiction. *Revenue* is the income or money which the State or corporation receives in the shape of taxes. *Taxes* are the moneys collected by the State or by towns or cities for defraying the expenses of government. The owners of certain kinds of property have to pay taxes in proportion to the value of their property.

Violation of the revenue laws is a violation of any of the laws made for the levying and collection of taxes. There is a tax upon the selling of certain articles, such as liquors and tobacco, and if a person sells such articles without paying the tax, it is a violation of the revenue laws.

A *code* is a collection of the laws of the State or country. The Code of Virginia is a book containing the statute laws of Virginia. A *misdemeanor* is any crime less than a felony. (For *felony*, see page 13.)

Hustings Court of the City of Richmond.

Judge elected for six years. Salary, $2,300, and an allowance from the city of Richmond.

Qualifications. Same as those of a Circuit Judge.

Terms. Held monthly except the month of August.

Hustings is the name given to a court formerly held in many cities of England, and applied specially to a court held within the City of London before the Lord Mayor and other magistrates.

Jurisdiction. Exclusive original jurisdiction of all presentments, indictments, and informations for offences committed within the corporate limits (except prosecutions against convicts in the penitentiary); concurrent jurisdiction of all presentments, indictments, and informations for offences committed within the space of one mile beyond the corporate limits on the north side of the James River, and to low-water mark on the south side of James River; concurrent jurisdiction with the Circuit Court of the City of Richmond of actions of forcible or unlawful entry and detainer; exclusive jurisdiction of

all appeals from the judgments of the Police Justice's Court, all causes removable from said court, all proceedings for the condemnation of land or property for public use, all motions to correct erroneous assessments.

Corporate limits are the limits or boundaries of the area over which the corporation has jurisdiction. Here the phrase means the boundaries of the city of Richmond.

Prosecutions against convicts are prosecutions against convicts (prisoners) for crimes committed within the prison. All such crimes are tried in the circuit court of the city of Richmond.

Causes removable from said court (police justice's court) are cases that may at the request of the parties concerned be taken out of that court and tried in another court.

The *condemnation* of land or property for public use means the deciding by a proper authority (a court or judge) that certain lands must be given for such use. (See page 12.)

An *assessment* is the valuing of property for the purpose of fixing a tax upon it. If any owner of property in Richmond thinks the valuation of his property too high, and that therefore the tax is too high, he may object to the assessment as *erroneous* and have a motion brought before the Hustings Court to have the assessment *corrected*.

Chancery Court of the City of Richmond.

Judge elected for six years. Salary, $2,300, and an allowance by the city of Richmond.

Qualifications. Same as those of a Circuit Judge.

Terms. Shall hold four terms each year; but shall always be open as a Court of Probate.

For explanation of *Chancery*, see page 50, and for *Probate*, see page 48.

Jurisdiction. Shall exercise, within the corporate limits, exclusive jurisdiction concerning the probate and recordation of wills, the appointment, qualification, and removal of fiduciaries, and the settlement of their accounts; the

docketing of judgments; the recordation of deeds and such other papers as are authorized or required by law to be recorded; exclusive jurisdiction of all suits and proceedings in chancery cognizable by law in the Circuit Courts of the Commonwealth, except such as are specially cognizable by the Circuit Court of the City of Richmond, and any duty devolved, or any power or jurisdiction conferred by law on the Circuit Courts, unless otherwise expressly provided, except as to matters of common law and criminal jurisdiction.

The *recordation* of wills is the recording of them in the court in which they are probated. (For *probate of wills*, see page 48.) *Fiduciaries* are trustees or persons appointed to hold property in trust for others. The *docketing of judgments* is making summaries or brief statements of them for the purpose of record. A docket is a small piece of paper containing the heads or principal points of any writing or statement.

A *judgment* is a sentence or decision pronounced by a court, or a judge of a court, on any matter tried before it. A *deed* is a written paper containing the terms of a contract, or the transfer of real estate by the owner to a purchaser. *Devolved* means transferred from one person to another.

Common law is the title given to laws which have not originated in any statute, but derive their force and authority from having been in use for many centuries. The common law of England, upon which the common law of Virginia is based, includes customs of the people of such long standing that the courts took notice of them and gave them the force of law. Common law is the *unwritten* law; statute law consists of the laws enacted and recorded by legislatures.

Law and Equity Court of the City of Richmond.

Judge elected for six years. Salary, $2,000, and an allowance by the city of Richmond not to exceed $1,200.

Qualifications. Same as those of a Circuit Judge.

Terms. Shall hold four terms each year, beginning the sec-

ond Monday in February, May, September, and December, continuing as long as the business of the Court may require.

For *equity*, see under Circuit Courts, page 50.

Jurisdiction. Shall exercise within the corporate limits original jurisdiction concurrent with the Chancery Court (except as to the probate and record of wills; the appointment and qualification of fiduciaries; the *ex parte* settlement of their accounts; the record of deeds and other papers authorized or required by law to be recorded). Shall have within the same limits original jurisdiction concurrent with the Circuit Court, except all such suits, motions, etc., as are specially cognizable by said Court;—has the same power as to bail, injunctions, etc., as the Circuit Court, and appeals from its decrees and judgments shall be taken and allowed as if from a Circuit Court. This Court has no criminal jurisdiction.

Ex parte is a Latin phrase signifying from or on one side only. An *ex parte* hearing in court would be a hearing taken by one side or party in the absence of the other. An *ex parte settlement* is settlement made on the application of one party without notice to the other.

QUESTIONS.

1. What is a county court?
2. What is a county judge?
3. Is a county judge permitted to hold any other office or practice law?
4. How long does a county judge hold office, and what is his salary?
5. What are the qualifications of a county judge?
6. How often are terms of county courts held, and for how long?
7. Name some of the cases in which county courts have jurisdiction.
8. What is a presentment?
9. What is an indictment?

10. Define *a true bill.*
11. What is an information ?
12. What is murder in the first degree ?
13. What is arson ?
14. What does *injunction* in reference to crops mean ?
15. Define *award* and *custodian.*
16. Where are corporation courts held ?
17. What is the term of office of a corporation's court judge, and what salary does he receive ?
18. What are the qualifications of a corporation's court judge ?
19. How often are corporation courts held ?
20. What is the jurisdiction of these courts ?
21. How long do city judges hold office, and what salaries do they receive ?
22. What does within their respective limits mean ?
23. What is the judge who sits in a justice's court called ?
24. What is the jurisdiction of justices' courts ?
25. Define *damages.*
26. Define *unlawful entry.*
27. What does unlawful detainer mean ?
28. Define *detinue.*
29. Define *warrant* and *search warrant.*
30. What is a bail-bond ?
31. What is concurrent jurisdiction ?
32. What is revenue ?
33. Define *tariff.*
34. What is the code ?
35. What is a misdemeanor ?
36. How long is the term of office of the judge of the Hustings Court of the City of Richmond, and what salary does he receive ?
37. What are the qualifications of the judge of the Hustings Court ?
38. How often are terms of this court held ?
39. What are corporate limits ?
40. What do you understand by prosecutions against convicts in the penitentiary ?
41. What does condemnation of land mean ?
42. What is an assessment ?
43. What does correcting erroneous assessments mean ?
44. For how long does the judge of the Chancery Court of the City of Richmond hold office, and what salary does he receive ?
45. What are the qualifications of the judge of this court ?
46. How often does the court meet ?

47. Mention some classes of cases in which the Chancery Court has jurisdiction ?

48. What does the recordation of wills mean ?

49. What are fiduciaries ?

50. What does docketing of judgments mean ?

51. Define judgment.

52. What is common law ?

53. For how long does a judge of the Law and Equity Court of the City of Richmond hold office, and what is his salary ?

54. What are the qualifications of a judge of this court ?

55. How often and for how long does the Equity Court sit ?

56. Tell of the jurisdiction of this court.

57. What does *ex parte* mean ?

58. What is an *ex parte* settlement ?

VII.

OFFICERS OF COURTS.

Clerks.

In all Justices' Courts, the justices are required to make and preserve their own dockets. The Clerk of the Court of Appeals is appointed by the court; the Clerks of the Circuit, County, and Corporation Courts are elected by the people of the county or corporation in which the court is held. They hold office for a term of six years. Salary, fees and special allowances.

Duties. Shall record the proceedings of their respective courts and issue writs in their name; shall be the custodians of all papers lawfully returned to or filed in the Clerk's office; shall perform such other duties as are imposed upon them by law.

The Tipstaff and **Crier** are the executive officers of the Court of Appeals.

For meaning of *docket*, see under *Chancery Court of the City of Richmond. Dockets* here mean entries in a book giving lists of names of persons connected with the cases tried, and particulars of the proceedings in each case. In justices' courts such dockets are made and kept by the justice himself.

The clerks of the courts mentioned have no salaries. They are paid by fees and special allowances. For example, when a clerk of court makes out a writ or bond or a copy of any court document, he gets a fee for doing it. (See under *Secretary of the Commonwealth*, page 32.) A special allowance is an allowance (or a grant of money) made by the court for special work done.

The *tipstaff* and *crier* are executive officers of the Court of Appeals—that is, they execute or carry out certain orders of the court. In some places a sheriff's officer is called a tipstaff, the name being derived from the custom of such officers bearing a *staff tipped* with metal.

Criers sometimes are appointed for other courts besides the Court of Appeals. The name is derived from the practice of proclaiming or *crying* out in court the commands or orders of the judge.

Sheriff.

Is the executive officer of the Circuit and County Courts, and of the Circuit and Chancery Courts of the city of Richmond; the City Sergeant is the executive officer of the Corporation Courts and Circuit Courts held for cities, and the Hustings Court for the city of Richmond; the Constable is the executive officer of the Justice's Court.

Though the sheriff is an officer of the courts, he is more particularly a county officer. His principal duties will, therefore, be found set forth and explained under *County Officers* (see page 74). The city sergeant is also a court officer, but his duties are limited to cities. They are stated and explained under *Government of Cities and Towns.* The duties of the constable, who is a magisterial district officer, are explained under *District Organization.*

Commonwealth's Attorney.

Elected by the people at the general election in May for four years (in cities, for two years); must reside in the county or corporation for which he is elected; shall hold no other elective office. Salary, allowance by the Board of Supervisors and fees.

Duties. Gives legal advice to the county and district officers, and prosecutes criminals in the Circuit, County, and Corporation Courts.

For *Board of Supervisors*, see page 82.

Legal advice is advice on matters of law. The commonwealth's attorney *prosecutes criminals*—that is, he attends in court and makes the charge, or states the case, and examines witnesses, against persons charged with crime.

A *witness* is a person who tells on oath, in answer to questions, what he knows about the crime charged against the accused, or about the facts in a civil case or process. (See *civil process* and *perjury*, page 21.)

Attorney-at-Law.

Must hold license granted by any three or more judges of the Supreme Court of Appeals acting together under such rules and regulations and upon such examination both as to learning and character as may be prescribed by the said Court; must be a male citizen over the age of twenty-one years; must have resided in the State six months preceding application for a license; and must qualify before the Court in which he proposes to practice.

An *attorney-at-law* is a person legally qualified and licensed to act as attorney. A person not a lawyer might be called an attorney if appointed to do any business on behalf of another, but to be an attorney-at-law a person must be qualified as stated in the text. (See under *Attorney-General*, page 29.) A *license* is a permission to perform certain acts. It is usually in writing, and is issued by persons having legal authority to do so.

An attorney-at-law must *qualify* before the court in which he wishes to practice. This means that he must produce evidence that he is legally licensed, that he must take an oath that he will perform his duties as an attorney, and also that he must take an oath that he will be faithful to the Commonwealth of Virginia.

Who May Practice Law in Virginia.

Any person duly authorized and practicing as Counsel or Attorney-at-Law in any State or Territory of the United

(Further explanation as to the duties of juries will be found under *Petit Jury*, page 71.)

Grand Jury.

Consists of not less than nine nor more than twelve persons taken from a list of forty-eight selected by the Judge of the County or Corporation Court from the qualified voters of the county or city in which his Court is held. A Special Grand Jury shall consist of not less than six nor more than nine persons.

The principal duties of the *Grand Jury* are mentioned under *County Courts*, page 55. The law requires that "the grand jury shall inquire of and present all felonies, misdemeanors, and violations of penal [criminal] laws committed within the jurisdiction of the respective courts wherein they are sworn."

To *present* is to make a statement or *presentment* to the court as explained on page 55. Every grand jury has a chairman or speaker, who is appointed by the court and is called the *foreman*. The foreman is required to take an oath or swear that he will "present no person through prejudice or ill-will, nor leave any unpresented through fear or favor," but that in all presentments he "shall present the truth, the whole truth and nothing but the truth."

In this way the foreman is *sworn*, and the other grand jurors must swear that they will "observe and keep" the same oath taken by the foreman. An oath is a solemn statement or declaration with an appeal to God, or calling God to witness that what is stated is true or that the person shall tell the truth.

Witnesses before giving evidence in courts at the trial of a case must make oath or swear to "tell the truth, the whole truth and nothing but the truth." While the witness is repeating the words of the oath he holds a Bible or Testament in his hand and kisses it when he has repeated the words.

There are two kinds of grand juries—regular and [illegible]. There is a regular grand jury at tw[illegible] each ye[illegible] county, corporation, or hustings co[illegible] grand [illegible] be ordered by a county, corporati[illegible]gs cou[illegible]

time there may be special or urgent need for it, and such grand jury is called a *special* grand jury.

Grand jurors are entitled to the same compensation and mileage as petit jurors (see next section).

Petit Jury.

Consists of twelve members.

Duties. Hear evidence before the court in civil and criminal cases and render a verdict according to the law and evidence.

The *petit jury* is the jury impanelled—that is, put on a panel or list—to try cases in court. How such a jury is formed is stated under *Juries* (see page 68). Petit jurors, like grand jurors, must take an oath to do their duty honestly. (The word jury is derived from the Latin word *jurare*, which means to swear.)

It is the duty of the petit jury to hear the evidence in the case it is to try, and to give a verdict in accordance with that evidence. If the evidence presented before the court proves the accused to be guilty, the jury must give a verdict of "guilty"; if the evidence is not sufficient to show that he is guilty, they must give a verdict of "not guilty." (For *verdict*, see page 11.)

The verdict of the jury must also be *according to law.* This means that the jury must give heed to the law of the case as explained by the judge. Evidence might be offered which would not be lawful. It is the duty of the judge to decide whether evidence is lawful or not, and if he decides that any evidence is illegal or unlawful, then the jury must not pay any regard to it in considering their verdict.

QUESTIONS.

1. By whom are court clerks appointed or elected, and for how long do they hold office?
2. How are court clerks paid?
3. What are the duties of court clerks?
4. What are dockets?
5. What are the tipstaff and crier, and what are their duties?
6. How is the commonwealth's attorney chosen, and for how long?

(Further explanation as to the duties of juries will be found under *Petit Jury*, page 71.)

Grand Jury.

Consists of not less than nine nor more than twelve persons taken from a list of forty-eight selected by the Judge of the County or Corporation Court from the qualified voters of the county or city in which his Court is held. A Special Grand Jury shall consist of not less than six nor more than nine persons.

The principal duties of the *Grand Jury* are mentioned under *County Courts*, page 55. The law requires that "the grand jury shall inquire of and present all felonies, misdemeanors, and violations of penal [criminal] laws committed within the jurisdiction of the respective courts wherein they are sworn."

To *present* is to make a statement or *presentment* to the court as explained on page 55. Every grand jury has a chairman or speaker, who is appointed by the court and is called the *foreman*. The foreman is required to take an oath or swear that he will "present no person through prejudice or ill-will, nor leave any unpresented through fear or favor," but that in all presentments he "shall present the truth, the whole truth and nothing but the truth."

In this way the foreman is *sworn*, and the other grand jurors must swear that they will "observe and keep" the same oath taken by the foreman. An oath is a solemn statement or declaration with an appeal to God, or calling God to witness that what is stated is true or that the person shall tell the truth.

Witnesses before giving evidence in courts at the trial of a case must make oath or swear to "tell the truth, the whole truth and nothing but the truth." While the witness is repeating the words of the oath he holds a Bible or Testament in his hand, and kisses it when he has repeated the words.

There are two kinds of grand juries—regular and special. There is a regular grand jury at two terms in each year, of the county, corporation, or hustings court. But a grand jury may be ordered by a county, corporation, or hustings court at any

time there may be special or urgent need for it, and such grand jury is called a *special* grand jury.

Grand jurors are entitled to the same compensation and mileage as petit jurors (see next section).

Petit Jury.

Consists of twelve members.

Duties. Hear evidence before the court in civil and criminal cases and render a verdict according to the law and evidence.

The *petit jury* is the jury impanelled—that is, put on a panel or list—to try cases in court. How such a jury is formed is stated under *Juries* (see page 68). Petit jurors, like grand jurors, must take an oath to do their duty honestly. The word jury is derived from the Latin word *jurare*, which means to swear.

It is the duty of the petit jury to hear the evidence in the case it is to try, and to give a verdict in accordance with that evidence. If the evidence presented before the court proves the accused to be guilty, the jury must give a verdict of "guilty": if the evidence is not sufficient to show that he is guilty, they must give a verdict of "not guilty." (For *verdict*, see page 11.)

The verdict of the jury must also be *according to law*. This means that the jury must give heed to the law of the case as explained by the judge. Evidence might be offered which would not be lawful. It is the duty of the judge to decide whether evidence is lawful or not, and if he decides that any evidence is illegal or unlawful, then the jury must not pay any regard to it in considering their verdict.

QUESTIONS.

1. By whom are court clerks appointed or elected, and for how long do they hold office?
2. How are court clerks paid?
3. What are the duties of court clerks?
4. What are dockets?
5. What are the tipstaff and crier, and what are their duties?
6. How is the commonwealth's attorney chosen, and for how long?

7. Where must the commonwealth's attorney reside, and how is he paid ?
8. What are his duties ?
9. What is *legal advice ?*
10. What does prosecuting criminals mean ?
11. What is a *witness ?*
12. What are the qualifications of an attorney-at-law ?
13. Define *license* and *qualify.*
14. Who may practice law in Virginia ?
15. Define *duly authorized* and *prescribed license fee.*
16. What are the qualifications of jurors ?
17. What classes of persons are exempt from jury service ?
18. How are juries in civil and misdemeanor cases chosen ?
19. Describe the system of choosing or selecting by lot.
20. How many persons constitute a jury ?
21. How are juries in cases of felony chosen ?
22. What do you understand by *challenging* a juror ?
23. What does *summon* mean ?
24. What does a grand jury consist of ?
25. What is a special grand jury ?
26. What are the duties of grand jurors ?
27. What does *present* mean ?
28. What is the duty of the foreman of the grand jury ?
29. What is an oath ?
30. How many kinds of grand juries are there ?
31. What is the compensation of grand jurors ?
32. What does a *petit jury* consist of ?
33. What are the duties of a petit jury ?
34. What do you understand by rendering a verdict according to the law and evidence ?

VIII.

COUNTY ORGANIZATION.

Counties.

Organized by the General Assembly under the provisions of the Constitution.

Objects. Convenience in administering justice and transacting local business.

Each county shall maintain at the county seat a court-house, clerk's office, and jail.

Counties are organized—that is, formed and invested with powers of government—by the General Assembly. The Assembly may form new counties out of other counties or parts of other counties, but the Constitution of Virginia directs that "no new county shall be formed with an area of less than six hundred square miles," and that the county or counties from which a new one is formed shall not be reduced below an area of six hundred square miles.

The convenience of having the State divided into counties may easily be seen. If there were no counties most of the people would have to go long distances to the State capital in order to have important business attended to. County organization brings the advantages of government and the administration of justice nearer the homes of all the people.

The *county seat* is the chief town of the county, where the public business of the county is chiefly transacted. The court-house is the building in which judges sit for the trial of cases. The jail of the county is the prison in which persons convicted of minor (trifling) offences are detained for punishment, and in

which persons charged with serious crimes are held in custody until trial. Persons after trial and conviction for serious crimes are sent to the penitentiary.

COUNTY OFFICERS.

They are the executive officers under the authority of the laws of the State.

Sheriff.

Elected by the people for four years. Salary, allowance by the Board of Supervisors and fees.

Duties. Appoints his deputies; makes arrests; serves notices; collects fines; calls for troops in time of danger; executes any order, warrant, or process, lawfully directed to him, within his own county, or upon any bay, river, or creek adjoining thereto; levies on property and sells to satisfy order of court; attends the Circuit and County Courts; attends the meetings of the Board of Supervisors, and performs such duties as may be necessary for the proper despatch of business; must not practice law in any court of which he is an officer; cannot hold any other elective office; must give notice of violations of penal laws.

The salary or allowance for sheriffs is not the same in all counties, but varies according to the number of the population. It is paid by the Board of Supervisors. (For *Board of Supervisors*, see page 82.)

The sheriff may appoint deputies or assistants to help him in his duties, which are numerous and important. He is the principal executive officer of the county. It is his business to execute the judgments of the courts. If a person is sentenced to death, it is the sheriff who must make and direct the arrangements for carrying out the sentence.

A *sentence* (in law) is the judgment, or declaration of punishment, pronounced by a judge upon a criminal after being found guilty. The sheriff must arrest and convey to prison any person

or persons who have committed crime. He must serve legal notices, such as notices of decrees or judgments to be given against parties in cases of action for debt. He must collect fines that are not paid in court.

An important duty of the sheriff is to suppress riots or public disturbances, and if he finds that he and his officers are unable to do so, he may call upon the governor for troops (soldiers) to assist him. In such case the governor may send State militia to suppress the disturbance. The sheriff has charge or control of the county jail and the prisoners confined in it, and he must protect the prison and prisoners against violence or attack by mobs.

The sheriff must carry out any order or warrant or process of the courts. A *process* is a summons or notice requiring a person to appear in court on a certain day to answer a charge to be made against him. If a court gives judgment against a person for debt or fine or taxes not paid, the sheriff *levies* on the property of the person—that is, he takes or seizes it—and sells it to satisfy or execute the order of court.

It is also the duty of the sheriff to give notice to the attorney for the commonwealth of any crime (violation of penal laws) of which he may have knowledge. The sheriff cannot hold any other elective office—that is, an office to which a person is elected—and he cannot act as a lawyer in any court for which he does duty as sheriff.

Commonwealth's Attorney.

See under Officers of Courts.

County Clerk.

Also Clerk of the Circuit Court in counties containing less than 15,000 inhabitants.

Duties. See under Officers of Courts.

A clerk of the county or a clerk of a court is an officer who does writing of various kinds, such as keeping records of public business, records of court proceedings, making out writs or bonds, or copies of court papers or documents. Many of the duties of clerks of counties and courts are mentioned in previous sections.